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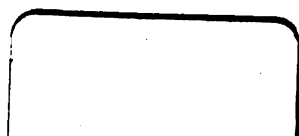
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ACTS

OF THE

GENERAL ASSEMBLY

OF THE

COMMONWEALTH OF KENTUCKY,

PASSED AT THE

ADJOURNED (JANUARY, 1873) SESSION OF THE GENERAL
ASSEMBLY, WHICH WAS BEGUN AND HELD IN THE
CITY OF FRANKF DAY, THE
4TH DAY OF 1873

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LOCAL AND PRIVATE ACTS

OF

THE STATE OF KENTUCKY,

PASSED AT THE ADJOURNED (JANUARY, 1873)
SESSION OF THE GENERAL ASSEMBLY,
WHICH WAS BEGUN AND HELD IN THE
CITY OF FRANKFORT ON MONDAY,
THE 4TH DAY OF DECEMBER, 1871.

P. H. LESLIE, *Governor.*

JOHN G. CARLISLE, *Lieut. Gov'r and Speaker of Senate.*

JAMES B. MCCREARY, *Speaker of the House of Reps.*

GEO. W. CRADDOCK, *Secretary of State.*

JOHN RODMAN, *Attorney General.*

CHAPTER 452.

AN ACT to incorporate the Odd Fellows' Temple Association, of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky: 1873.

§ 1. That Wm. McCreedy on behalf of Boone Lodge, No. 1, I. O. O. F.; Wm. W. Morris on behalf of Chosen Friends Lodge, No. 2, I. O. O. F.; John W. Bowser on behalf of Loraine Lodge, No. 4, I. O. O. F.; Chas. Roher on behalf of Herman Lodge, No. 17, I. O. O. F.; J. L. Smyser on behalf of Azur Lodge, No. 25, I. O. O. F.; William Drysdale on behalf of Home Lodge, No. 29, I. O. O. F.; Fred. Kochersperger on behalf of Schiller Lodge, No. 60, I. O. O. F.; George Henry on behalf of Corinthian Lodge, No. 74, I. O. O. F.; Michael Busch on

Corporators' names.

1873. behalf of Louisville Lodge, No. 81, I. O. O. F.; Ed. McCullough on behalf of Portland Lodge, No. 138 [I. O. O. F.]; John Blaes on behalf of Humboldt Lodge, No. 141, I. O. O. F.; Adolph Rammers on behalf of Mozart Lodge, No. 149, I. O. O. F.; A. Forst on behalf of Phoenix Lodge, No. 196, I. O. O. F.; Daniel F. Brandt on behalf of Teutonia Lodge, No. 208, I. O. O. F.; Henry J. Lewis on behalf of Falls City Lodge, No. 209, I. O. O. F.; Adam Wayland on behalf of Mt. Horeb Encampment, No. 1, I. O. O. F.; William B. Rogers on behalf of Amnon Encampment, No. 11, I. O. O. F.; John B. Sarles on behalf of Wolford Encampment, No. 18, I. O. O. F.; Wm. Shuff on behalf of Neptune Encampment, No. 25, I. O. O. F.; E. H. Kurkamp on behalf of Goethe Encampment, No. 37, I. O. O. F.; George S. Moore, William White, Wm. H. Goddard, and Henry Strube, in the city of Louisville, and such other Lodges or Encampments as may hereafter be admitted to a participation in the benefits and privileges of this act of incorporation, be, and they are hereby, created a body-corporate, under the name and style of the Odd Fellows' Temple Association, of Louisville; and they, with their associates and successors, shall continue and have perpetual succession, with all the authority and power of corporations as herein after mentioned.

Name and style.

May acquire real estate and dispose of same at pleasure.

§ 2. The corporation aforesaid is hereby authorized and empowered to purchase and hold lands, in fee simple and by lease, and to erect thereon such buildings as they may think proper; to dispose of, and convey the same at pleasure. The property of this corporation shall be exempt from State and municipal taxes.

Capital stock.

§ 3. The capital stock of said corporation shall be one hundred and fifty thousand dollars, which may be increased to any sum not exceeding three hundred thousand dollars, and shall be divided into shares of twenty-five dollars each, and said shares may be issued and transferred in such manner as the board of directors may prescribe.

Directors—powers and term of office.

§ 4. The business of said corporation shall be under the control and management of a board of directors, consisting of one member to be elected by each of said Lodges and Encampments forming said corporation; they shall have power to make by-laws, rules, and general regulations for their government; they shall also have the power to elect, from their own members, a president, vice president, and treasurer, who shall hold their offices for one year from the date of their elections, and until their successors shall be elected and qualified; also to appoint a secretary, who shall perform such duties as may be required by the by-laws.

§ 5. That it shall be lawful for the president of the board of managers, a majority of the stockholders concurring, to sell and convey any real estate belonging to said corporation, and that the signature of the president and secretary, with the seal of the corporation affixed, shall make such conveyance valid.

1873.

How conveyances of real estate may be made

§ 6. The said corporators, or any five (5) of them, may open books of subscription, and receive subscription to the capital stock of said company herein incorporated; and when thirty thousand dollars shall be subscribed, and two dollars per share shall be paid thereon, the corporators, or a majority thereof, shall meet for organization under this charter. The board of directors may make such calls of payment of stock as they may deem advisable; they may have a corporate seal, and may alter or change the same at pleasure.

Corporators may open books of subscription.

§ 7. After seventy-five thousand dollars of the capital stock shall be paid, said Odd Fellows' Temple Association, by consent of a majority of its directors, may issue bonds to the amount of seventy-five thousand dollars or less; said bonds shall bear interest at a rate not exceeding ten per cent. per annum, interest payable semi-annually, and shall have not exceeding thirty years to run; that the bonds may be issued in such sum as the board of directors may direct, not less, however, than one hundred dollars; that the board of directors shall prescribe the form of the bond; they shall be signed by the president and secretary. The property of this association shall be bound for the payment of said bonds, and a prior lien is to be retained to secure the payment of the same.

After \$75,000 is subscribed, may issue bonds to same amount.

§ 8. This act shall be in force from and after its passage.

JAMES B. McCREARY,
Speaker of the House of Representatives.
WILLIAM JOHNSON,
Speaker of the Senate pro tempore.

Approved March 21st, 1873.

P. H. LESLIE.

By the Governor:

G. W. CRADDOCK, *Secretary of State.*

CHAPTER 453.

AN ACT to incorporate Ivy Lodge, No. 21, Knights of Pythias.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the officers and members of Ivy Lodge, No. 21, Knights of Pythias, of Henderson, Kentucky, and their successors, be, and they are hereby, created a body-

1873. politic and corporate, by the name and style of Ivy
 Name and style. Lodge, No. 21, Knights of Pythias, of Henderson, Ken-
 tucky; and by that name and style shall have perpetual
 Corporate pow- succession; shall be qualified and capable to contract
 ers. and be contracted with, to sue and be sued, to plead and
 be impleaded, to acquire, purchase, and hold such real
 and personal property as may be required for the use,
 accommodation, and convenience of said lodge; to re-
 ceive conveyances, to sell, convey, and dispose of all
 such estate, real and personal, as they may now have, or
 may hereafter acquire: *Provided*, That the real estate so
 held by said lodge shall not exceed \$50,000 in value, ex-
 clusive of the buildings thereon.
- § 2. Said lodge may borrow money and issue bonds
 therefor, bearing interest not exceeding ten per cent.
 May borrow money and issue bonds. per annum, redeemable within twenty years, and for an
 amount not exceeding the value of their unencumbered
 real estate.
- § 3. The supervision, care, custody, and management
 of the lodge property is confided to, and vested in, S. A.
 Trustees and their powers. Young, James T. Williams, and F. H. Overton, trustees
 of said lodge, and their successors in office, who, or any
 two of whom, shall have power to make all contracts
 pertaining to the property of said lodge, when done in
 pursuance of the rules, by-laws and instructions of said
 lodge; and that service of process or notice on any one
 of such trustees, or their successors, shall be sufficient
 notice to said corporation.
- § 4. Said corporation shall have power to make such
 by-laws, rules and regulations, for their government, as
 May make by-laws, &c. they may, from time to time, deem necessary, desirable,
 or expedient, not inconsistent with the laws of this State;
 they may have a common seal, and may change or alter
 the same at will.
- § 5. Each and every trustee of said lodge shall sub-
 scribe and acknowledge all conveyances by the lodge of
 real estate.
- § 6. Only lodge property shall be liable for the debts
 of said lodge; and no member of said lodge shall be held
 individually liable for such debts.
- § 7. The General Assembly may repeal or amend this
 charter at pleasure.
- § 8. This act shall take effect from its passage.

Approved March 22, 1873.

CHAPTER 454.

1873.

AN ACT to incorporate the Kentucky Society for the Prevention of Cruelty to Animals.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That B. F. Avery, W. C. Kennedy, E. H. Chase, J. R. DelVecchio, H. W. Gray, W. F. Reynolds, jr., T. J. Griffith, W. M. Pratt, Henry Burkhardt, Lancaster Spalding, C. D. Jacob, J. H. Heywood, E. T. Perkins, all of the city of Louisville, and such other persons as may be associated with them in conformity to this act, and their successors, are hereby constituted and created a body-corporate, by the name of "The Kentucky Society for the Prevention of Cruelty to Animals."

Corporators' names.

Name and style.

§ 2. The officers of the said corporation shall consist of a president, twenty vice presidents, one secretary, one treasurer, an executive committee or board of sixteen directors, and such other officers as shall, from time to time, seem necessary to this society.

Officers.

§ 3. The foregoing officers shall be chosen from among the members of the society.

§ 4. A library may be created for the use of the society.

§ 5. The said society, for fixing the terms of admission of its members; for the government of the same; for the election, changing, and altering the officers above named, and for the general regulation and management of its affairs, shall have power to form a code of by-laws, not inconsistent with the laws of this State or of the United States.

May make by-laws, &c.

§ 6. This society shall not, in its corporate capacity, hold real estate exceeding in value, at any one time, the sum of one hundred thousand dollars.

§ 7. The police force of the city of Louisville, as well as of all other places where police organizations exist, shall, as occasion may require, aid the society, its members or agents, in the enforcement of all laws which are now or may hereafter be enacted for the protection of dumb animals.

Police officers to aid society.

§ 8. One half of the fines collected through the instrumentality of the society or of its agents, for violation of such laws, shall accrue to the benefit of said society, and the other half to the Commonwealth.

How fines shall be disposed of.

§ 9. The provisions of this act shall be general within the boundaries of the State.

§ 10. This act shall take effect immediately.

Approved March 22, 1873.

1873.

CHAPTER 455.

AN ACT to further amend the charter of the Newport and Cincinnati Bridge Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

May borrow
money on bonds
for certain pur-
poses.

May increase
capital stock.

§ 1. That where the Newport and Cincinnati Bridge Company has contracted, or may contract, an indebtedness in the course of the construction of its bridge, or may desire to obtain means for its repair, alteration, or improvement, in addition to the powers heretofore granted in the charter of said bridge company, and the act amendatory thereof, approved February 26th, 1868, the said bridge company is hereby authorized, for the purposes of liquidating such indebtedness or obtaining such further means, to borrow the additional required sum or sums of money, upon the credit of the corporation, and to execute coupon bonds or other evidences of indebtedness therefor, and secure the payment of the same by an additional mortgage or mortgages upon the property, rights, income and franchises of the corporation, upon the terms and conditions, and with the effect, prescribed in the third section of the said amendatory act of February 26th, 1868; and said company, for either or all of the purposes aforesaid, is hereby also authorized to increase its capital stock in such amount or amounts as may be authorized by the existing stockholders, as hereinafter provided, and to make the same a preferred stock, guaranteeing to the holders thereof dividends out of the net earnings and income of the company, to be first paid before any dividends on its common stock, at such rate as may be fixed in the creation thereof, not exceeding eight per cent. per annum, payable quarterly, and the same to issue and dispose of at such rates and on such terms as the said company may deem expedient.

Stockholders to
assent to provi-
sions of this act.

§ 2. Before it shall be lawful to exercise any power or authority conferred by the preceding section of this act, the same shall be consented to in writing by stockholders owning two thirds in amount of the existing capital stock of said company, or by a vote in favor thereof of a like interest, at a regular meeting of the stockholders, or a special meeting called for the purpose, upon public notice for thirty days; and in case of an increase of the capital stock under the provisions of this act, the creation of the same shall not be deemed complete until a certificate, setting forth the amount of said increase, and the terms and conditions on which the same is to be issued, and the amount of the previously existing capital stock, and the written assent or vote of the stockholders, as herein required, signed by the president of the company and at-

tested by its corporate seal, shall have been first filed in the office of the Secretary of State. 1873.

§ 3. This act shall take effect from its passage.

Approved March 22, 1873.

CHAPTER 456.

AN ACT to incorporate the Auburn Building and Loan Association.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Asa Holland, David McArley, Harrison Woodward, W. N. Crewdson, John Evans, David Childers, John Felts, W. D. Price, and J. W. Smith, and their associates and successors, be, and they are hereby, created a body-corporate, under the name and style of the Auburn Building and Loan Association, of Auburn, Kentucky.

Corporators' names.

Name and style.

§ 2. Said association shall, by that name and style, have perpetual succession, and be capable of suing and being sued, pleading and being impleaded, in all courts and places; of contracting and being contracted with; of having a common seal, and the same to make, break, or alter at pleasure; to acquire, use, hold, and sell real and personal estate, in and near Auburn and Logan county, Kentucky, issue stock, not exceeding \$50,000, loan its funds at legal rates of interest, and take mortgages and other securities therefor.

Corporate powers.

§ 3. The funds of this association shall be represented by stock, and each share of stock shall be \$100, which share shall be personal property, and may be subscribed, paid for, transferred, and forfeited for non-payment, in such manner as the said association, or its board of directors, may, by resolution or by-laws, prescribe and determine.

How stock shall be subscribed.

§ 4. The officers of said association shall be a president, secretary, treasurer, and five directors; but no person shall be a director or other officer unless he be the owner of at least two shares of stock.

Officers.

§ 5. The board of directors may employ such attorneys and agents to act for the association as, in their judgment, the business may require.

Board may appoint attorneys, &c.

§ 6. The corporators above named shall open books for the subscription of stock, and whenever fifty shares shall be subscribed said association may go into operation; other shares may subsequently be subscribed, until the whole stock (\$50,000) is taken; the subscribers thereto being required to pay the back installments corresponding with the shares paid by the original subscribers, with interest at such rate, not exceeding ten per centum per annum, as the association may prescribe in its by-laws.

When company may commence operations.

1873.

Directors—term
of office and pow-
ers.

§ 7. The board of directors shall be elected on the first Saturday in January, and hold their offices for one year, or until their successors are elected. In election for officers, and transaction of other business, each member present shall be entitled to one vote for each share owned. The board of directors shall elect one of their number president, and shall elect a treasurer, who shall give bond, with good and sufficient surety, for the safe-keeping of the assets of the association, and a faithful discharge of the duties of his office.

Object of asso-
ciation.

§ 8 The object of this association is to enable its members, by their savings and accumulations, to acquire homes and other property ; its business to buy and sell real estate, to loan its capital stock as paid in, and the accumulation thereof, preference being given, in all cases, to members of said association ; said loans shall be made at such rate of interest, not exceeding ten per cent., as may be agreed by the parties thereto. The association shall have the right to insure the mortgage property of the borrower for any space of time, not to exceed the time of payment of the loan, at the expense of the borrower ; but the association may, if the board of directors think proper, invest a part of the funds in establishing and conducting manufacturing establishments in or near Auburn.

May issue and
sell bonds.

§ 9. Said association shall have power to issue and sell or hypothecate its bonds, with coupons attached, for any sum, not exceeding the sum of its capital stock paid up, and make the same payable at such time and place as may be deemed most advisable ; but such bonds shall not bear a rate of interest exceeding ten per cent. per annum, to be paid annually or semi-annually, as the corporation may direct.

Meeting to elect
officers.

§ 10. As soon as practicable after the association is ready to go into operation, as provided in section six, the corporators shall call a meeting of the stockholders, giving reasonable notice of the time and place of such meeting, for the election of officers, who shall have authority to make and pass by-laws for the government of said association, not inconsistent with this charter, nor the Constitution and laws of the United States or of the State of Kentucky.

§ 11. This act shall take effect from the date of its passage.

Approved March 22, 1873.

CHAPTER 457.

1873.

AN ACT to amend an act, entitled "An act to amend the charter of the city of Augusta, in Bracken county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the charter of the city of Augusta, in Bracken county, be, and the same is hereby, so amended, that whenever any hotel-keeper in said city shall make application to the council thereof for a license to sell spirituous, malt, or vinous liquors, and shall make the proof now required by law in such cases, the said council shall grant the license upon the payment of any sum that may be fixed by said council, not less than one hundred nor more than three hundred dollars.

§ 2. That this act shall take effect from and after its passage.

Approved March 22, 1873.

CHAPTER 458.

AN ACT to amend the charter of the town of Monticello, and to regulate the traffic in spirituous liquors therein.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That from and after the first day of April, 1873, it shall be unlawful for the judge of the Wayne county court, or the board of trustees of the town of Monticello, in Wayne county, to grant a license to any person or persons to sell or vend spirituous, vinous, or malt liquors, or any mixture thereof, within the corporate limits of said town, or within one mile of the court-house thereof: *Provided, however,* That druggists and apothecaries may be licensed to sell the same for medicinal purposes alone; but the person or persons applying for a license under this provision, before the same shall be granted him or them, shall take an oath before some officer authorized to administer the same, that he will not sell spirituous, vinous, or malt liquors, or any mixture thereof, or knowingly allow or permit any person in his employ to do so, except upon the written order of some practicing physician or surgeon of said county, which order shall state the person to whom it may be sold, the quantity to be sold, and the date thereof, and that the same is prescribed by him for medicinal purposes; the said order shall be good for one selling only.

Unlawful to sell liquors in said town.

Certain exceptions.

§ 2. Each and every person, except a druggist or apothecary, as provided for in the first section of this act, who shall, within the limits aforesaid, sell, or cause to be sold,

Spirits, when sold under exceptions, in 1st section, to be removed in twenty-four hours

1873. or knowingly suffer or permit any person in their employ to sell, in quantity less, at one time, than ten gallons of spirituous, vinous, or malt liquors, or any mixture thereof, shall be held and deemed a retailer in violation of this act, and subject to the penalties herein imposed. All such liquors, or the mixture thereof, which may be sold under the provisions of this act, shall be delivered to and removed by the purchaser from the premises where the same is bought immediately after the purchase; and if the same, or any part thereof so sold, shall remain upon the premises where the same is sold for a longer period after the sale than twenty-four hours, then such seller shall be deemed and held to be a seller within the meaning of this act, and liable to the penalties prescribed for a violation thereof.

Penalty for violation of law.

§ 3. Every person violating either of the provisions of this act shall be fined in a sum not less than fifty dollars nor more than one hundred dollars, in the discretion of the jury.

Fees of attorney.

§ 4. On each finding for a violation of this act, and judgment thereon, the attorney prosecuting same shall be allowed a fee of ten dollars, which shall be first paid out of any money collected under said judgment.

Capias to issue immediately.

§ 5. *Capias pro fines* upon such judgments as may be rendered under this act, may be instantly issued after judgment, by the officer before whom judgment is obtained, and parties may be discharged therefrom as is provided by law in cases of similar process issued from the circuit courts.

Physician to be liable for evading law.

§ 6. Any physician or surgeon who shall give an order under the provisions of this act, except in good faith for medicinal purposes, or who shall give an order to any person in evasion of the true spirit and meaning of this act, shall be liable to the same penalty as provided herein against a seller of liquors in violation thereof.

Jurisdiction conferred on certain courts.

§ 7. Upon information to the chairman of the board of trustees and police judge of the town of Monticello, or to the county judge of Wayne county, of a violation of this act, either of said officers may issue their warrant against the accused, and either of them, together with the circuit court of Wayne county, shall have jurisdiction to try the case, render judgment upon the verdict of the jury, and issue *capias pro fine*, as now provided by law in other cases. Appeal may be taken to the circuit court of Wayne county, on cases tried before the chairman of the board of trustees or the county judge aforesaid, as is now provided for by law for appeals in similar cases.

§ 8. All warrants and prosecutions under this act shall be in the name of the board of trustees of the town of Monticello.

§ 9. Elections for trustees of the town of Monticello shall hereafter be held on the first Saturday in the month of April in each year, and shall hold their offices for two years, and until their successors are duly elected and qualified; which elections shall be held and conducted as now provided for in the charter of said town; and the present board of trustees shall hold their offices until their successors are elected and qualified, as provided for in this act.

1873.

Trustees—when to be elected, and term of office.

§ 10. All acts or parts of acts in conflict with the provisions hereof are hereby repealed.

§ 11. This act shall take effect and be in force from its passage.

Approved March 22, 1873.

CHAPTER 459.

AN ACT to amend the charter of the town of Elizabethtown.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustees of Elizabethtown shall have power, at the general expense of the town, to grade, curb, and pave the sidewalks of said town in front of the lots on which are or may be erected any church or seminary of learning, and in front of the cemetery of said town.

§ 2. This [act] to take effect and be in force from and after its passage.

Approved March 22, 1873.

CHAPTER 460.

AN ACT to define the boundary line between the counties of Rockcastle and Jackson.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the boundary line between the counties of Rockcastle and Jackson be so changed, as to include the land and premises where Jones A. French now resides, in the county of Jackson.

§ 2. This act to take effect and be in force from and after its passage.

Approved March 23, 1873.

1873.

CHAPTER 461.

AN ACT to authorize the trustees of the town of Columbia to sell and convey part of Jefferson alley, in said town.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustees of the town of Columbia be, and they are hereby, authorized and empowered to sell and convey that part of Jefferson alley, in said town, running southeast from Pinkney alley to the property now owned by W. W. Miller.

§ 2. That this act shall be in force from and after its passage.

Approved March 22, 1873.

CHAPTER 462.

AN ACT for the benefit of Henry C. Fitzpatrick, collector of the revenue of Floyd county for the year 1870.

WHEREAS, It appears to the General Assembly of the Commonwealth of Kentucky that Henry C. Fitzpatrick, collector of the revenue of Floyd county for the year 1870, accepted and received in payment of taxes red fox and wild cat certificates to the amount of (\$17 50) seventeen dollars and fifty cents, which the Auditor of Public Accounts declined to pay because the clerk, in issuing the certificates, used the word scalp instead of the word head; for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is, directed to credit the said sum of seventeen dollars and fifty cents on the balance due by said Fitzpatrick on the revenue for the year 1870.

§ 2. This act shall be in force from and after its passage.

Approved March 22, 1873.

CHAPTER 463.

AN ACT for the benefit of Jeremiah Overton, an idiot of Wayne county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be directed to draw his warrant on the Treasurer of this State in favor of David L. Powers for the sum of forty-five dollars and eighty-three cents, for the benefit of Jeremiah Overton, an idiot of Wayne county, the inquest upon said idiot not

having been held as required by law, there being an interregnum from December, 1871, till May, 1872.

1873.

§ 2. This act to take effect from its passage.

Approved March 22, 1873.

CHAPTER 464.

AN ACT to amend an act, entitled "An act to incorporate the Big Sandy Highway Bridge Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section thirteen of said charter be amended as follows. Strike out the word "six," and insert "ten;" strike out the word "three," and insert "five;" strike out the word "five," and insert "ten;" strike out the word "two," and insert "three;" strike out the words "two and a half," and insert "five," in lieu thereof.

§ 2. This act shall take effect from its passage.

Approved March 22, 1873.

CHAPTER 465.

AN ACT to exempt the property of the Danville Theological Seminary from taxation for certain purposes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Hereafter all real estate and property owned by the board of trustees of the Theological Seminary of Danville, under the control of the General Assembly of the Presbyterian Church of the United States, within the corporate limits of the town of Danville, in Boyle county, and used by said board of trustees for educational purposes, shall be, and is hereby, exempted from taxation for State, county, or municipal purposes, so long as said property is occupied and used for educational purposes.

§ 2. This act shall take effect from its passage.

Approved March 22, 1873.

CHAPTER 466.

AN ACT for the benefit of J. F. Hatten, committee of Geo. Clay (an idiot), of Lawrence county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasurer for the sum of (\$50) fifty dollars, in favor of J. F. Hatten, of

1873. Lawrence county, in satisfaction of his claim against the State for maintaining a pauper idiot, George Clay, for one year from the 25th day of October, 1870, to the 25th day of October, 1871, to be paid out of any money in the Treasury not otherwise appropriated.

§ 2. This act shall take effect from its passage.

Approved March 22, 1873.

CHAPTER 467.

AN ACT to incorporate the Masonic Temple Company, of Owensboro.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the members of Owensboro Lodge, No. 130 ; of Stephen F. Ogden Lodge, No. 356 ; of Jo. Daviess Chapter, No. 32, and of Owensboro Commandery, No. 15, of A., F. and A. Masons, individually and in their corporate capacity, as well as all other persons who may hereafter join either of said fraternities, or become stockholders in the building, be hereby created a body-corporate and politic, in the city of Owensboro, Daviess county, Kentucky, to be styled the "Masonic Temple Company, of Owensboro," with a capital stock of twenty-five thousand dollars (\$25,000), divided into shares of twenty-five dollars (\$25) each ; with the power of contracting and being contracted with, with suing and being sued, by and in the corporate name aforesaid ; and to have all the powers necessary and incident to corporations of like character.

§ 2. That the title to the real estate in the city of Owensboro now owned by either of said fraternities shall vest in the corporation hereby created, upon the acceptance of this act by said fraternities respectively ; and said corporation shall have power to sell and convey the same at any time, and may, in case of sale, purchase other real estate in said city of Owensboro, not exceeding one acre, and erect thereon the necessary and proper buildings for lodge and other purposes promotive of the welfare of said Masonic fraternities.

§ 3. The present Masters of Owensboro Lodge, No. 130, Stephen F. Ogden Lodge, No. 356, the High Priest of Jo. Daviess Chapter, No. 32, and the Eminent Commander of Owensboro Commandery, No. 15, and their successors, are hereby constituted a board of managers for the purpose of organizing said company as named in section one ; to issue stock certificates, and when as much as three thousand dollars (\$3,000) stock [is] sold, the stockholders will then meet and elect for themselves a board of managers and prescribe rules for the government of same.

§ 4. That said company appropriate or lease out any room or rooms of any buildings owned by it, for store and other purposes.

1873.

May lease out storerooms.

§ 5. That the chief officers of said Lodges, &c., as enumerated in section three, may, at any time, open books for the subscription of stock in said company, the said stock to be due and payable at such time and in such amounts as the board of managers may direct.

How books of subscription may be opened.

§ 6. That the said Lodges, Chapter, and Commandery shall be entitled to take shares of stock in said company, to the value of the lot and building and furniture now owned by them, and the title to which is vested in said company as aforesaid, and to any further amount they may see proper to invest in said building.

Certain bodies authorized to take stock.

§ 7. Certificates of stock shall be issued to each stockholder so soon as his stock is paid in; and may be transferred from one owner to another, by written indorsement on the back thereof, and proper entries upon the stock-books of the company.

When certificates of stock to issue.

§ 8. Dividends may be declared, from time to time, at the discretion of the managers.

Dividends may be declared.

§ 9. The said company shall have power, by the usual proceedings of law, to coerce the payment of any arrears in subscription of stock.

May coerce payment of stock.

§ 10. That each and all of the individual holders of certificates of stock shall surrender them to said Masonic bodies, at any time, on being paid the face of said certificate, with such interest as may be agreed upon by the board of managers.

Board may pay off and take up stock.

§ 11. That said company may, in lieu of opening books for stock, borrow money, not exceeding (\$7,000), if said amount be needed or required in paying off any indebtedness now owed by said Masonic bodies, or in erecting, furnishing, and outfitting their building, and may issue certificates therefor, the same to bear such rate of interest, not exceeding ten per cent. per annum, as may be determined by the board of managers.

May borrow money.

§ 12. That said certificates shall run for such time as said managers may fix, and shall be redeemable at the pleasure of said company; and to secure the payment of the principal thereof at maturity and interest, the holder shall have a lien on all the property of said company.

Certificates to run at pleasure of managers; to have lien to secure payment.

§ 13. That said board of managers shall provide a book in which they shall register the certificates so issued by them, and the same shall be constantly open to the inspection of any and all persons interested.

§ 14. That this act shall take effect from its passage.

Approved March 22, 1873.

1873.

CHAPTER 468.

AN ACT to charter the Elizabethtown and Middle Creek Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Name and style. § 1. That a company shall be, and is hereby, incorporated, to construct a turnpike road, on the macadamized or gravel plan, from Elizabethtown, Hardin county, Kentucky, to Middle creek, in the same county, to be known by the name and style of the Elizabethtown and Middle Creek Turnpike Road Company ; and by that name and style may contract and be contracted with, sue and be sued, plead and be impleaded, in all the courts and places ; may have and use a common seal, and change or alter the same at pleasure.

Capital stock. § 2. The capital stock of said company shall be twenty thousand dollars, with the right to increase the same at pleasure, to be divided into shares of one hundred dollars each ; and each share shall entitle the holder to a vote in all meetings of the stockholders, and one vote each for every share he or they may hold in the election of the officers of said company and for all other purposes.

Commissioners' names and duties. § 3. That Samuel B. Thomas, Harvey Slaughter, Robert L. Wintersmith, J. H. Thomas, Sam'l Haycraft, A. Beeler, Charles G. Wintersmith, J. W. Hays, Martin H. Cofer, A. M. Brown, Robert D. Murray, W. D. Woodin, C. M. Fraize, George Cressap, Thomas B. Munford, A. B. Montgomery, and Thomas Patton, are hereby appointed commissioners, whose duty it shall be to open books for the subscription of stock, at such times and places as any three of them may deem expedient ; and so soon as two thousand dollars of stock is subscribed, by individuals or corporations, they shall give ten days' notice of the time and place of the meeting of the stockholders for the purpose of electing a president and four directors of said company ; and a majority of whom, and their successors in office, shall be competent to perform all acts and things authorized by this act to be done by the president and directors of said company ; and the management of the fiscal and prudential concerns of said company shall be confided to the president and directors of said company and their successors in office, to be chosen annually, at such times and places as said president and directors may, from time to time, direct, and who shall continue in office until their successors are elected and qualified.

Qualifications of directors. § 4. That no person shall be eligible as president or director who shall not at the time be the owner of at least one share of stock in his own right ; and any president or director ceasing to be an owner of that amount, shall cease to be president or director, as the case may be,

of said company; and said board may at all times fill any vacancy that may occur in said board. 1873.

§ 5. The president and directors shall have the power of appointing a treasurer, gate-keepers, and all other officers or agents necessary to perfect and carry out the objects of this act, and to renew the same at pleasure; they shall have power to require of the treasurer and all the officers or agents a bond, and security in such penalties as they may, signed conditioned for the faithful performance of the duties incumbent on them as such.

Board to appoint officers and require bond.

§ 6. The commissioners hereby appointed shall procure a book or books, and the subscribers to the stock of said company shall enter into the following obligation in said book or books, to-wit: We, whose names are hereunto subscribed, do promise to pay to the president and directors of the Elizabethtown and Middle Creek Turnpike Road Company, the sum of one hundred dollars for each and every share of stock in said company set opposite to each of our names, in such manner and proportion, and at such times, as shall be required by the president and directors of said company. Witness our hands this — day of —, 187 —.

Obligation of subscribers.

§ 7. That said road shall be opened at least thirty feet wide; the width of the grade and its elevation shall be left to the judgment of the president and directors of said company. That the president and directors of said company shall have the right, when two and one half miles of said road are completed, to erect a toll-gate, and receive and collect half toll on the travel and transportation on said road, at a rate of toll not exceeding that on the road leading from Louisville to Elizabethtown, in this State.

Width of road, and time when gate may be erected.

§ 8. That in order to effect the building of said road, the president and directors shall have the right to procure the release of the right of way from any person or persons over whose land said road may run; and should any person or persons, over whose land said road may run, fail or refuse to release the right of way, they may institute the proper proceedings, in the proper court, in the county in which the land lies, and have the same ordered and set apart for that purpose, in the same manner that mill-seats or public roads are now condemned, at the cost of the company.

May acquire right of way by condemnation writ.

Approved March 22, 1873.

1873.

CHAPTER 469.

AN ACT to incorporate the Twelve Mile and California Turnpike Road Company, in Campbell county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Name and style.

§ 1. That a company shall be, and the same is hereby, incorporated, to construct a turnpike road from the Alexandria and Flagg Spring Turnpike Road, beginning at what is known as the California crossing of Twelve Mile creek, to the village of California, on the Ohio river, under the name and style of the "Twelve Mile and California Turnpike Road Company;" and by that name and style to sue and be sued, contract and be contracted with, plead and be impleaded; and use and have a common seal, and alter or amend the same at pleasure.

Capital stock.

§ 2. The capital stock of said company shall be eight thousand dollars (\$8,000), to be increased or diminished at the pleasure of the company, and to be divided into shares of twenty dollars (\$20) each.

Commissioners' names and duties

§ 3. That John B. Otten, Peter McArthur, and J. M. Morgan are hereby appointed commissioners, whose duty it shall be to open books of subscription of stock at such places as said commissioners may designate; and as soon as four thousand dollars (\$4,000) is subscribed, they shall give ten days' notice, at the most public places in the vicinity of the line of the road, of a meeting of the stockholders, for the purpose of electing a president and three directors for said company, a majority of whom shall be competent to do business, and to do all things authorized to be done by this act to be done by the president and directors of said company. The management of the fiscal and prudential affairs of said company shall be confided to said president and directors and their successors in office, to be chosen annually, at such time and places as the said president and directors, from time to time, may appoint, and who shall continue in office for one year, and until their successors are elected and qualified.

Qualifications of directors.

§ 4. That no person shall be eligible as president or director who is not the owner, in his name, of one or more shares of stock in said road.

Directors to appoint officers and require bond.

§ 5. That the president and directors shall have the power of appointing a treasurer, gate-keeper, and other officers or agents deemed necessary to effect the purposes of this act, and to remove the same at pleasure. They shall have power to require of the treasurer, and all other officers or agents appointed by them, bond and security in such penalties as they may require, conditioned for the faithful performance of the duties incumbent on them as such.

§ 6. That the commissioners herein appointed shall procure a book or books, and the subscribers to the stock of said company shall enter into the following obligation in said book, viz: "We, whose names are hereunto subscribed, do promise to pay the president and directors of the Twelve Mile and California Turnpike Road Company the sum of twenty-five (\$25) for each and every share of stock in said company set opposite our names, in such manner and proportion, and at such times, as shall be by them required, under the law incorporating said company, to be collected as other debts. Witness our hands, this — day of —, 18—."

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Obligations of subscribers.

§ 7. That said road shall not be less than thirty feet wide, and the metal not less than twelve feet wide, and shall be graded to an elevation not exceeding five degrees in any part thereof. That whenever the road is graded and bridged, the company may erect a toll-gate and charge tolls thereat, at a rate not exceeding one half that now authorized by law on roads made under the general turnpike laws of the State; and when the road is completed, the company may charge the full rate of toll now authorized by law.

Width of road and when gate may be erected.

§ 8. That the president and directors of said road shall have the right and power to acquire the right of way for said road, and of earth, stone, and timber for its construction, by voluntary concession and release or by private contract with the land-holders: *Provided, however,* If the right of way and the material cannot be had as herein indicated, it shall be obtained in the manner and mode prescribed by an act of the General Assembly of the Commonwealth of Kentucky, 22d of February, 1836, for condemning lands and materials for the construction of turnpike roads, bridges, &c., and which act of the Assembly is hereby adopted as part of this charter, and to be as effectual as if the same was here inserted at full length.

May acquire right of way by writ of condemnation.

§ 9. When a stockholder shall have made full payment of his stock, it shall be the duty of the president, over his signature, to issue certificates of stock to all persons entitled to the same, attested by the secretary of said company.

When certificates of stock to issue.

§ 10. This act shall take effect from its passage.

Approved March 22, 1873.

CHAPTER 470.

AN ACT to amend the charter of the town of Catlettsburg.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustees of the town of Catlettsburg be,

1873. and they are, authorized and empowered to allow any railway company, or street railway company, to use and occupy any street or streets, alley or alleys, within the corporate limits of said town, for the purpose of laying a railway track, or street railway track, in or upon any such streets or alleys in said town, and to operate their trains thereon upon such terms as may be agreed upon between said trustees and any such railway or street car railway company.

§ 2. This act to take effect from its passage.

Approved March 22, 1873.

CHAPTER 471.

AN ACT for the benefit of school district No. 4, in Nicholas county.

WHEREAS, The school-house of common school district No. 4, in Nicholas county, was destroyed by fire, and a five months' school was thereby prevented from being taught in said district during the school year ending June 30th, 1873; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustees of common school district No. four (4), in Nicholas county, be authorized to finish the remainder of two and one half ($2\frac{1}{2}$) months' common school of said district, at any time during the school year commencing July 1st, 1873, and ending June 30th, 1874; and the commissioner of common schools of said county is authorized to forward the amount due said district to the Superintendent Public Instruction, and he shall certify the same, if approved by him, to the Auditor of Public Accounts, who shall draw his warrant for the amount thereof on the Treasurer in payment of the same. Said amount to be paid said district shall be out of the sum allowed said district for school year ending June 30th, 1873, remaining to the credit of said district.

§ 2. This act shall take effect from its passage.

Approved March 22, 1873.

CHAPTER 472.

AN ACT for the benefit of the jailer of Fayette county, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the jailer of Fayette county is hereby authorized and empowered to appoint one or more deputies.

§ 2. That said deputies may be removed at the will of the jailer; but, when acting as such deputies, shall have all the powers of the jailer, and be liable to all the penalties of said jailer.

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§ 3. This act shall take effect from its passage.

Approved March 22, 1873.

CHAPTER 473.

AN ACT to incorporate the Hecla Coal and Mining Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That J. D. Clardy, George O. Thompson, Stephen E. Trice, D. B. Owsley, W. C. Graves, and Hunter Wood, of Christian county, their associates, successors, and assigns, be, and are hereby, created a body-politic and corporate, by the name and style of the Hecla Coal and Mining Company; and by that name and style shall have perpetual succession, and power to contract and be contracted with; to own property, both real and personal; and to sue and be sued, in all courts and places; and to have a common seal, alter and change the same at pleasure; and to engage in mining for coal, iron, and other minerals, preparing them for market, and for transporting and selling them within or without this State; and to have all other powers needful and necessary for the successful prosecution of their business, and for the exercise and execution of the powers herein granted and incident to similar corporations in this State.

Corporators' names.

Name and style.

Corporate powers.

§ 2. That said corporation may organize said company by the election of a president and board of directors, not exceeding five in number, and such other officers as they may deem necessary, at such time and place as they may designate, by notice previously given; and when thus organized, the said company shall have power and authority to make such by-laws, rules and regulations, as they may deem necessary, from time to time, for the government and prosecution of the business of said corporation, not inconsistent with the Constitution and laws of the United States and of this State.

Organization and powers of board of directors.

§ 3. The capital stock of said company shall not exceed five hundred thousand dollars, to be divided into shares of one hundred dollars each; said company may issue bonds not exceeding one hundred thousand dollars, with not exceeding ten per cent. interest, with coupons attached, and may mortgage any part or all of its property, real and personal, to secure the payment of the same; said bonds shall be made payable in not exceeding twenty years from their date, at such point or place as may be

Capital stock.

May issue bonds and secure same by mortgage.

1873. designated in said mortgage, and the interest thereon shall be paid semi-annually.

May acquire property and dispose of same.

§ 4. The said company may buy, lease, or rent any mines, mining rights of way, and other property and rights necessary for their business, and may dispose of the same, or any portion of the same, by sale or otherwise. They may receive real estate, leasehold, mining rights, and rights of way, in payment of such part of subscriptions as they may deem desirable: *Provided*, That nothing herein contained shall be so construed as to confer upon said company any lottery privileges or authority to dispose of any property, real or personal, except by sale, mortgage, or hypothecation.

May construct buildings, &c.

§ 5. Said company may erect and build, on any of their lands, such buildings, mills, engines, machinery and fixtures, as may be deemed convenient and proper for establishing and conducting the business of said company.

May construct railroads from mines, and condemn right of way.

§ 6. Said company may construct railways, railroads, or tram-ways, and operate the same from its mines, shops, and other places of its business or operations, to any other railroad or navigable stream within twenty miles of its business; and if, for these purposes, it be necessary or convenient to pass over the lands of other persons or corporations, they may condemn, for said purposes, the same, in the same manner as is now provided by law under chapter 103 of the Revised Statutes.

§ 7. This act shall take effect from its passage.

Approved March 22, 1873.

CHAPTER 474.

AN ACT for the benefit of Hugh Barclay, jr., of Logan county.

WHEREAS, It is represented to this General Assembly that the coupon of interest, or dividend warrant for interest, due January 1, 1872, on bond of the State of Kentucky, No. 989, for one thousand dollars, dated 3d January, 1842, and due 3d January, 1872, was not attached thereto, or if so attached, has been lost or destroyed; that such bond and coupon were, at the time of said coupon being lost or destroyed, the property of Hugh Barclay, jr., of Logan county, Kentucky; now, for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That upon the execution of a bond by said Hugh Barclay, jr, with one or more residents and citizens of the State of Kentucky as sureties, to be approved by the Commissioners of the Sinking Fund, conditioned to save harmless and indemnify the State of Kentucky against

all loss or payment, on account of the coupon of interest or dividend warrant aforesaid, the said commissioners are hereby authorized to pay to the said Hugh Barclay, jr., the sum of thirty dollars, in full satisfaction of said coupon.

1873.

§ 2. That before any such payment shall be made, the said Hugh Barclay, jr., shall file with the commissioners evidence of the loss of said coupon, and no payment shall be made unless they are satisfied of such loss as above represented.

§ 3. This act shall take effect from its passage.

Approved March 22, 1873.

CHAPTER 475.

AN ACT to amend and reduce into one the several acts in relation to the town of Shelbyville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the town of Shelbyville, as laid off and described in a plat, and the additions thereto, now recorded, and hereafter to be recorded, in the clerk's office of the Shelby county court, shall be known, and is hereby declared to be, the extent and limits of said town. That hereafter the fiscal, prudential, and municipal concerns of said town, shall be vested in seven trustees, who shall be elected annually on the first Saturday in August, by the free male inhabitants over the age of twenty-one years, and who have resided in said town six months previous to said election, which said trustees shall hold their offices for the term of one year, and until their successors shall be elected and qualified. That the said trustees, before they enter upon the duties of said office, shall take an oath before some justice of the peace, or some other officer authorized by law to administer an oath, that they will faithfully, and without favor or affection to any one, discharge the duties of trustees to said town during their continuance in office. That in case a vacancy shall take place in said board of trustees, the said board shall have power to fill said vacancy. That no person shall be a trustee of said town who is not, at the time of holding said office, a citizen thereof, and who has not resided therein at least twelve months next previous to his election.

Trustees—time of election and term of office.

Trustees to take oath.

Qualifications of trustees.

§ 2. That the said trustees and their successors in office shall be a body-politic and corporate, and shall be known by the name and style of "The Board of Trustees of the Town of Shelbyville;" and by that name shall be capable in law of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, of an-

Name and style.

1873. swering and being answered, of defending and being defended, in all courts and places; and may use either a common or a private seal.

Trustees' powers and duties.

§ 3. That the trustees may, from time to time, fix and regulate, by ordinance, the times and places of the regular meetings of the board; and also prescribe the mode in which special meetings may be had; and may inflict a penalty, not exceeding two dollars, on any member, for non-attendance at any one meeting; and may appoint one of their number chairman of the board of trustees, whose duty it shall be to inspect the conduct of the officers of the town, and to cause the laws and ordinances of said town to be executed and put in force, and, as far as in his power, to cause all negligence, carelessness, and positive violations of duty, to be duly prosecuted and punished; he shall have power to call special meetings of the board at any time; he shall preside at all meetings of the board; but in case of his absence, any one of the members of said board may preside. It shall also be the duty of the chairman to communicate to the board all such information, and recommend all such measures as may tend to the improvement of the streets, police, health, security, cleanliness, comfort, and ornament of the town.

Trustees may take and hold real a personal property, and dispose of same.

§ 4. That the said board of trustees and their successors shall have power and authority to take, receive, and hold real, mixed, and personal estate, by purchase, devise, bequest, or donation, for the use, benefit, or ornament of said town; and may use, appropriate, lease or sell, the real, personal, or mixed estate which may be so taken and received by them, or which is now held by, or has been conveyed to, the board of trustees of the town of Shelbyville, in such manner and upon such time as they may deem expedient: *Provided, however,* That no sale or lease shall be made of real estate unless the same be sanctioned at the same meeting by the votes of six trustees, and whose vote shall appear recorded in full upon the records, giving the names of those who voted for and the names of those who voted against it.

May maintain actions for trespass.

§ 5. That the said board of trustees and their successors in office shall have full power and authority to maintain and carry into judgment and execution any action or actions of trespass for any injury done to any property, real, personal, or mixed, belonging to said town, and may, in like manner, maintain and carry into judgment and execution any other appropriate action or actions for the recovery of the same, or damages for the detention, taking, injury, or destruction of the same.

General powers of trustees over streets, alleys, &c.

§ 6. That the board of trustees shall have power and authority to clear the streets, alleys, sidewalks, and pass-

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ways in said town, of all obstructions; to sink cisterns and wells and erect pumps. They shall also have the power and authority to preserve and protect, free from encumbrance, all the public grounds and improvements in said town. They shall have full power and authority to remove, and cause to be removed and abated, any nuisance in said town, and to regulate the storage or removal of any combustible or unwholesome material that may injure the health or tend to diminish the comfort of the citizens, or the security of their property. They shall also have the power and authority to cause any chimneys, flues, stove-pipes, or fire-places, that, in their judgment, may threaten the security of property, to be changed and repaired, so as to remove the cause of danger or insecurity. They shall also have power and authority to cause the owners or occupiers of property bordering on streets or alleys, to keep the streets or alleys bordering on them clean and free from dirt or filth. And in all cases enumerated in this section, when the persons who should do so fail or refuse to obey and perform the directions given in relation thereto by the board of trustees, the said trustees may have their orders executed at their own expense, and the costs and charges thus incurred shall be paid by those who should have complied with the directions of the board in relation thereto, and may be recovered by the board of trustees in any court of competent jurisdiction.

§ 7. That the said board of trustees may cause the grounds belonging to said town to be ornamented, in such manner as they may deem expedient, with fencing, trees, and shrubs, and the necessary protection of said trees and shrubs; and if any person or persons shall willfully injure any of said trees, shrubs, and fencing, or any part thereof, or the boxing for the protection of the same, each person so offending shall, for every such offense, be subject to a fine of not less than one nor more than fifty dollars, to be recovered by the said trustees, in their name and for their benefit, by warrant, before the police judge.

May ornament
public grounds.

Penalty for in-
jury to trees, &c.

§ 8. That the board of trustees of the town of Shelbyville may, at any meeting of said board at which they levy the tax for said town, in addition thereto, for the same year, levy and collect a tax on all real and personal estate within said town, not exceeding five cents on the one hundred dollars' worth of property, the same to be appropriated to the paving, grading, or macadamizing any sidewalk, street, or alley in said town, which, in the opinion of said board, may, for the comfort or improvement of said town, require such paving, grading, or macadamizing; and should they deem proper, may, in addition thereto, appropriate to the same purpose one fourth

May levy tax to
improve streets.

1873. of the amount received from poll taxes levied for the same year.

Powers over
markets, &c.

§ 9. That the said trustees shall have the control and care of the market-house, and may annually appoint a market-master, who shall give bond and security, to be approved by the board, faithfully to perform the duties assigned him by the board; he shall rent the stalls and license persons to sell meats and other articles, under the direction of the board; and the bonds, notes, and accounts taken by him therefor shall be payable to the board, and collected by the marshal before, and by judgment of, the police judge. The said trustees shall have full power and authority to pass all by-laws, ordinances, rules and regulations, for the government of the market, not contrary to the Constitution and law of the land; and may inflict fines and penalties to enforce the same, in any sum not exceeding ten dollars for each offense, recoverable before the police judge.

Power to purchase cemetery
ground & ground
for school-houses.

§ 10. That the said trustees shall be authorized to purchase and hold any quantity of ground, not exceeding twenty-five acres, to be within two miles of the limits of Shelbyville, for a burying-ground, and may make all needful rules and regulations for the use and protection of the same; they shall have full power to purchase the necessary ground, and erect thereon the necessary buildings for a free school in said town, and make all necessary regulations in relation to said school, and the government and carrying on of the same, not inconsistent with the common school laws of this State; they may establish fire companies in said town, and confirm the officers elected by said companies, and procure the necessary engines and implements to be used in case of fire, and require all the inhabitants of said town to keep such a number of fire-buckets as they may think necessary, and may make such regulations as they may think necessary in relation to said companies; they shall have power and authority to establish a watch-house and a work-house, or either or both, as they may deem expedient, and appoint watchmen and other officers to superintend such houses and apprehend all offenders and disorderly persons, and take them before the proper tribunal to be dealt with according to law. All persons who may be confined, by order or judgment of the police judge or justice of the peace of said town, for breaches of the peace, riots, routs, affrays, unlawful assemblies, or any other offenses against the ordinances or by-laws of said town, or the general laws in relation to the same, and all common mendicants and vagrants, may, by order of said police judge or justice of the peace, if he think proper to make such order, be confined in said work-house, at

May organize fire
companies & provide
with proper
engines, &c.

May establish
work-house and
watch-house, appoint
watchmen,
and make regulations
in regard to
same.

hard labor, until he shall have discharged the fine and costs adjudged against him, at the rate of two dollars for each day of confinement, and shall be discharged when the terms of such confinement have been complied with, or the term thereof has expired; they shall also have the power to establish a pest-house or hospital, and, when they think necessary for public safety, place therein all persons infected with malignant or contagious diseases.

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May establish
pest-house.

§ 11. That the board of trustees of the town of Shelbyville shall have the power to appoint, annually, a clerk, treasurer, assessor, market-master, surveyor, and attorney, and such other officers for said town as may be necessary to carry into effect the laws, ordinances, rules and regulations, made for the general welfare of said town and the citizens thereof; may prescribe the respective duties, and pay the respective salaries of said officers; they shall require bond, with sufficient security, in adequate penalties, by all officers appointed by them to fill responsible offices, which bonds shall be made payable to the board of trustees of the town of Shelbyville; and may contain any stipulations and covenants that said trustees may think proper to require or receive; and when executed, shall operate as a mortgage and lien upon all the real and personal estate of such officers and their securities, until all the conditions of such bonds are respectively complied with; and for a breach or violation of the conditions of any such bonds, the said board of trustees may sue and recover, and have the appropriate judgment and execution by action in the Shelby circuit court, against the obligors in such bonds respectively; that said officers and their securities shall be liable for the prompt payment of all sums of money that shall come to their hands; and they and their securities shall be liable to a judgment in the Shelby circuit court in favor of the board of trustees, or any person entitled to money collected by them, in like manner, and subject to the same penalties, that sheriffs and their securities are; that said board shall have full power and authority, at any time, to remove any of said officers or their deputies, and to appoint others in their stead; and when any vacancy occurs by the death, removal, or resignation of the chairman of the board, or any of the officers, they shall, in like manner, have full power and authority to appoint others in their stead.

Board shall ap-
point officers of
town, fix salaries,
and acquire bond.

Vacancies—
how filled.

§ 12. That the board of trustees shall appoint, from among the citizens of said town, an assessor, who shall, before he enters upon the duties of his office, take an oath, duly and impartially to discharge the duties thereof, whose duty it shall be to call upon all taxable persons in said town, and make out a true list of their taxable property, with the value thereof, which list shall be made

Assessor—his
duties.

1873. upon the oath of the party, to be administered by the assessor; the assessor's list shall be taken so as to include all the real estate of said town and males over twenty-one years of age, except those now exempt by law, together with all species of personal property, including all articles of property now subject to taxation for revenue purposes, except spectacles, watches, and pianos; all estate to be taxed according to its cash value in current funds as of the 10th day of January preceding; and the person owning or possessing the same on that day shall list it with the assessor, and be and remain bound for the tax, notwithstanding he may have sold or parted with the same since then; and said taxes shall be a lien upon all real and personal estate assessed for taxation, which shall not be defeated by alienation or sale, subject, however, to the lien of the Commonwealth on said property for taxes. If any person shall refuse to give in a list of their property, or shall be absent, the assessor shall make out a list from the best information he can procure; and when there is any real estate in said town, the owner whereof may be unknown, it shall be the duty of the assessor to report that fact especially on his list, together with the value of the property. He shall, on or before the first day of March in each year, complete and return the list so taken to the board of trustees. Upon the return of the list by the assessor, the trustees shall give notice that any persons who may feel themselves aggrieved by the valuation of the assessor may appear before them, at a stated meeting to be held for such purpose, on or before the first day of April in each year, with their evidence to show the true valuation of such property; and the trustees, on such proof being made to them, may change such valuation.

Board to levy taxes.

§ 13. That the said board of trustees may annually lay and levy the taxes for the current year, and direct the time within which the same shall be paid at the first meeting of the board after the assessor returns his list; or if anything should prevent the levy and tax from being then made and levied, the same may be done at the next or any subsequent meeting of the board.

Clerk to receive and file assessor's list.

§ 14. That on or before the first day of May, in each year, the clerk of the board of trustees shall receive, file, and preserve the assessor's list, with any corrections that may have been made therein by the board of trustees; and the said list thus received, or copies thereof, attested by said clerk, shall be received in evidence in any court of justice, and shall be *prima facie* evidence that the assessor has complied with all the duties prescribed to him by law, and shall also be *prima facie* evidence that all the laws in relation to the fixing and adjustment of the taxes

have been regularly complied with by the board of trustees and its officers.

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§ 15. That the treasurer appointed by the board of trustees shall take an oath, faithfully and honestly to discharge the duties of his office, and execute bond, with good security, to the satisfaction of the trustees, which bond shall be conditioned to pay over all moneys which may come to his hands as treasurer to the trustees, or their order, and to perform all the duties imposed on him by the laws as treasurer, and may contain such stipulations as the board may think proper to require. The treasurer shall receive and receipt for all the moneys paid to the board of trustees by any one authorized by the board to collect the taxes, dues, and demands of said town. He shall keep a fair record of all the fiscal concerns of the board, and record, in order, the appropriations of said board, as certified to him by the clerk, and pay the same according to their order. He shall pay no moneys without receiving a copy of the resolution of the board of trustees making such appropriations, and he shall file all received by him for settlement. His books shall, at all times, be opened to the inspection of persons having claims upon the board, upon reasonable notice. He shall, on the 10th day of July, in each year, report to the board of trustees a true list of all the moneys received by him, with a list of all the moneys and dues that remain unpaid at that time. He shall be allowed such compensation for his services as the board of trustees may direct, not exceeding three per cent. on all the moneys received by him; he shall also, when required by an order of the board, attend and report to the board the condition of the treasury, and shall at all times be ready for a settlement.

Treasurer—his duties.

§ 16. That the clerk appointed by the said trustees shall take an oath faithfully and impartially to discharge the duties of his office, and execute bond, with such conditions and such security as shall be required by the board. It shall be his duty to preserve the books, papers, records, and everything belonging to his office, and deliver the same to his successor in office. He shall keep a regular journal of the proceedings of the board, with a regular account of the fiscal concerns thereof. He shall file and preserve the poll-books annually, and shall record all the acts, resolutions, and orders of the board. He shall take all bonds, agreements, and records, and preserve all contracts and agreements made between the board of trustees and other persons; he shall copy and sign all resolutions, orders, claims, and allowances, when required to do so by persons having claims against the board; he shall file and preserve annually the assessor's books; he shall make out a fair list of the persons and property

Clerk—his duties.

1873. liable to taxes, with the amount due by such persons or property, in alphabetical order, and place the same in the hands of the treasurer on or before the first day of April annually; and he shall file and preserve the report of the treasurer; and he shall make out and place in the hands of the marshal or collector, when one has been appointed, on or before said first day of May, annually, a list of the persons and property by whom or on which taxes and dues to the town remain unpaid, and the amount of the same respectively, and take a receipt for the same; he shall have full power to administer oaths in all cases where oaths may be necessary; his compensation shall be fixed and allowed by the board.

Marshal—when
elected, term of
office, duties, and
fees.

§ 17. That a marshal shall be elected biennially, on the first Monday in August, at the same time the sheriffs are elected, and for the same term, by the citizens of the town who are qualified voters, under the provisions of this act, and by the laws of the State; and a poll shall be opened on the poll-books, at the said regular election for sheriffs, for the electing of said marshal; and he shall take an oath faithfully to discharge the duties of his office, and shall give bond with approved security, in a sum not less than three thousand dollars, conditioned faithfully to discharge the duties of his office, and which bond may contain any other conditions that the board may require, which bond shall be a lien upon all the property of the marshal and his sureties; he shall have full power, within the county of Shelby, to serve all process and precepts, to him directed, from any court in this Commonwealth, and make due return thereof; he shall have full power, within the county of Shelby, to collect the taxes, dues, and demands of said town, in the same manner that sheriffs have to collect the county levy and State revenue, whenever the board of trustees may place the same in his hands for collection; he may levy and perfect executions upon all orders and judgments of the police judge, serve and execute all orders and notices issued or made by the board, and make due returns of the same; he shall be entitled to the same fees and per cent. for collecting the tax of said town, penalties, and forfeitures, as sheriffs and constables are in like cases, when it is not otherwise provided for by this act or by order of the board; he shall be entitled to a fee of one dollar for executing a warrant of arrest or summons, in any criminal or penal case, to be tried before the police judge, or for any riot, rout, affray, or breach of the peace; and in all other cases his fees shall be the same as those allowed by law to constables for like services; he shall be subject to the same proceedings and liable to the same penalties as sheriffs and constables are in like cases for non-performance of any of the duties enjoined.

ed by this act; he shall have power to appoint a deputy marshal, by and with the consent of the board of trustees, whose power and duties shall be the same as the marshal's, and the marshal shall be responsible on his bond for all the acts of such deputy; the powers of said deputy shall cease at any time, upon an order of the board being made to that effect, which order the board shall make when requested so to do by the marshal; but they may make such order without the request of the marshal. Should the marshal, during his incumbency in office, remove permanently from the town, or absent himself therefrom, for the space of one month, the board of trustees shall have power to declare said office vacant, and, at the next meeting thereafter, shall proceed to appoint some suitable person to fill said vacancy: *Provided, however,* That when a deputy has been appointed, he shall fill the office during a temporary absence of the marshal. It shall be the duty of the marshal to make regular reports, in writing, to the board of trustees, whenever required to do so by the ordinances of the town or the resolutions of said board, and do such other duties as may be required by said ordinances or resolutions of said board. No person shall be ineligible to the office of marshal on account of having served two terms in said office.

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§ 18. That the board of trustees of the town, when they may deem it expedient, may appoint some other person than the marshal collector for the town of Shelbyville, whose duty it shall be to collect all the taxes of the town and such other dues and demands as the board may require

Board may appoint collector.

§ 19. That the board of trustees shall have the power to appoint an attorney for the town of Shelbyville, whose duty it shall be to advise and counsel the board, to present and defend all suits for the use and benefit of the trustees of the town of Shelbyville; and the county attorney shall have no right nor power to prosecute or defend in such cases for said town; the said attorney to be removed at the pleasure of the board of trustees, and to receive for his services a salary to be fixed and allowed by said board.

Attorney—appointment of, his duties, and compensation.

§ 20. There shall be elected by the qualified voters of the town of Shelbyville a judicial officer, to be styled the "Police Judge of Shelbyville" (whose court shall be styled "The Police Court of Shelbyville"), who shall hold his office for four years. His term of office shall expire at the same time with the office of the county judge of Shelby county, and elections to fill said office shall be held at the regular August election at which the said county judge is elected. Vacancies in said office shall be filled by the board of trustees until the next regular

Police judge—when elected, term of office, powers, jurisdiction, and compensation.

1873. election for said officer. The said police judge, before he enters upon the duties of his office, shall take an oath to discharge the duties of said office faithfully and impartially, to the best of his ability, without favor or affection to any one, together with such oaths as public officers are required by law to take. The said judge shall have jurisdiction, within said town, of all misdemeanors, and of all causes, civil, criminal, or penal, in which justices of the peace have jurisdiction; and in examining trials he shall have the jurisdiction now given by law to two justices of the peace, and shall proceed in the same manner in which justices of the peace are required by law to do in such cases. He shall have full power and authority to require bail and receive the acknowledgment and execution of recognizances of bail in all cases coming before him in which bail is or may be hereafter authorized or required by the law of the land; and such recognizances shall be taken in such form and be returned in such manner as is or may be prescribed by the laws authorizing or requiring bail. He shall be a conservator of the peace, and have original jurisdiction over affrays, assaults and batteries, riots, routs, breaches of the peace, unlawful assemblies, and cases of indecent or immoral behavior, or conduct calculated to disturb the peace and dignity of said town; over all cases of drunkenness, running horses, profane swearing, firing guns or pistols, making reports by burning powder or crackers, or otherwise, blowing horns, flying kites, crying aloud by day or night, and all other riotous conduct whatever within said town; all of which are hereby declared to be misdemeanors. He shall have exclusive original jurisdiction of all offenses or causes arising out of the ordinances passed by the board of trustees for the enforcement of the powers granted them by law. He shall have jurisdiction of all offenses within said town where the punishment fixed by law shall not exceed a fine of one hundred dollars. He shall have power to order the marshal to summon a jury in any case cognizable before him when a jury would be required before the circuit court or a justice of the peace; and in all cases where the amount of the fine or punishment is not fixed by law, the same shall be ascertained by the verdict of a jury. He shall have power to issue summons for witnesses in cases pending before him, and upon their failure to attend may award compulsory process to compel their attendance. He shall have power, without the intervention of a jury, to fine and imprison for contempt: *Provided*, The fine shall not exceed ten dollars nor the imprisonment twelve hours. All offenses within his jurisdiction shall be prosecuted by summon or warrant of arrest, in which shall be stated in general terms the of-

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fense charged to have been committed. He shall have power and authority to grant injunctions, restraining orders against absent defendants, writs of *habeas corpus*, under the same rules and regulations prescribed by the several acts authorizing certain justices of the county courts to grant injunctions and writs of *habeas corpus*. He shall have full power to administer oaths in all cases wherein justices of the peace are required and authorized so to do; and he shall have the right, when the town marshal may be interested or otherwise incapacitated from serving, to appoint an officer to serve the process of his court, and do any duty necessary to carry out the power vested in said police judge by law. Said person shall take an oath and give good security for the faithful discharge of his duty, and may be sued thereon by any one aggrieved by his wrongful acts. He may be removed at any time by the appointing powers. He shall be allowed the fees allowed the town marshal for like services. The police judge shall keep a record of his proceedings, a copy of which shall be evidence in all courts of justice and have the same effect as the records of justices of the peace, and shall, in all other matters not herein mentioned, have concurrent jurisdiction with justices of the peace, and be governed by the same laws and regulations. All trials before the police judge shall be held and had in the town of Shelbyville. He shall make out a full report to the board of trustees, at the first meeting in July of each year, of all cases for the violation of law brought before him for trial, with the amount of fines imposed, showing those which have and those which have not been collected or paid, together with the amount of his fees in said cases.

§ 21. The police judge shall issue his process in the name of the Commonwealth as other process, except in cases otherwise provided for in this act, and make them returnable before him as police judge of Shelbyville; the same shall be directed to the marshal, or to any constable or sheriff of Shelby county, and shall be executed and returned by the marshal, constable, or sheriff, as the case may be, under the same penalties as similar process from justices of the peace: *Provided, however,* That when any prosecution is instituted and carried on at the instance of the board of trustees, the warrant shall state that it is issued at their instance, in which case they shall be entitled to the fine or penalty recovered; and in case the defendant or defendants are acquitted, or the prosecution be dismissed, the said board of trustees shall be liable for the costs of such prosecution. The fees of the police judge shall be as follows:

1873. For each warrant of arrest or summons, in criminal or penal cases, one dollar; for a peace warrant, one dollar; for each injunction, restraining order against absent defendants, and writ of *habeas corpus*, fifty cents; for each order of commitment, twenty-five cents; for each order of continuance, twenty-five cents; for recording order of continuance, twenty-five cents; for presiding at each jury trial, two dollars; for each order of sale, twenty-five cents; for recording order of sale, twenty-five cents; for an order of revivor or for a rule (each), twenty-five cents; for entering return on an execution, or order of sale, ten cents; and in all other cases his fees shall be the same as those allowed by law to a justice of the peace for like services. In case of the temporary absence of the police judge, or when in any case said judge shall be unwilling to sit, from any cause, a special judge shall be elected by the members of the bar present to try such case or cases. The election shall be held by the clerk of the board of trustees, and such special judge shall be sworn as required by the Constitution and laws.

Board to levy
and collect taxes.

§ 22. That the board of trustees of the town of Shelbyville shall have the power and authority to assess, levy, and collect, annually, a tax on all real and personal estate within the limits of said town, not to exceed thirty-five cents on the one hundred dollars' worth of property; also to levy and collect a poll-tax not exceeding two dollars on all persons subject to county levy; and the said trustees shall have all the rights and power to collect the taxes of said town that are now given by law for the collection of State revenue and county levy.

Merchants to
be rated, and pay
license tax.

§ 23. That all retail merchants, irrespective of the character of merchandise sold by them, shall be rated by the assessor into six classes, and the price of a license for one year shall be as follows: not to exceed for the first class forty-five dollars; for the second class thirty-five dollars; for the third class twenty-five dollars; for the fourth class fifteen dollars; for the fifth class ten dollars; and for the sixth class five dollars; and the assessor, in making the above classification, shall be governed by the amount of business done by each merchant, and said classification shall be subject to revision by the board of trustees: *Provided*, That nothing contained in this section shall be construed as applicable to retailers of malt, spirituous, vinous, or fermented liquors.

May tax and li-
cense hacks, car-
riages, drays, &c.

§ 24. The board of trustees shall have the power to license and tax carriers of passengers within said town, or within one mile of the limits thereof; they may collect an annual tax for each hack, carriage, omnibus, or other vehicle used in said business, not exceeding fifteen dollars

per annum; and may, by ordinance, so classify the same as to them may seem equitable and just; they may, by ordinance, prescribe penalties for the violation of any ordinance they may pass under this section.

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§ 25. The board of trustees shall have power and authority to collect a tax, not to exceed ten dollars, on each public entertainment of any kind within the limits of the town, for which money is charged for admittance thereto, and for which provision is not otherwise made in this act: *Provided*, That the proprietors of licensed public houses shall be exempt from this tax; they may tax all theatrical performances, shows, and exhibitions of all kinds in any sum not exceeding twenty dollars for each performance within the town, or within two miles of the limits thereof.

Tax on shows,
entertainments,
&c.

§ 26. The board of trustees shall have power and authority to license all auctioneers and itinerant dealers in goods, wares, merchandise, or stock of any kind within said town, and to collect from each person so licensed a tax not exceeding thirty dollars per year. Any one who shall sell goods, wares, merchandise, real or personal property, or stock of any kind, at auction, within the town, without having first obtained a license, and any itinerant dealer who shall ply his vocation within said town without having first obtained a license for that purpose, shall be subject to such fines and penalties as the board of trustees may, by ordinance, prescribe: *Provided*, That this section shall not apply to persons selling property under an order of court, or as administrator, executor, or guardian.

May license auc-
tioneers, &c.

Penalty for avoid-
ing said tax.

§ 27. That the board of trustees shall have the exclusive right to license all taverns, groceries, retailers, druggists, victualers, confectioners, and houses of public resort, except gambling-houses and houses of ill-fame, within the town of Shelbyville, or within one mile of the limits thereof; and such license shall only be granted at the discretion of the board of trustees of said town. Any law giving the county court of Shelby county the power to grant any such license within the limits of said town, or within one mile thereof, is hereby repealed. Before any license shall be granted to keep a tavern or coffee-house, the applicant shall pay the State tax to the county clerk, and execute bond in the county court as now required by law.

Shall have ex-
clusive right to
license taverns,
&c.

§ 28. The said board of trustees shall have power and authority to charge and collect any sum not exceeding two hundred dollars per year for a tavern license, with the privilege of selling intoxicating liquors by retail, to be drank on the premises when sold; and no person shall keep more than one bar under a tavern license without the special permission of said board; and for such special

Rate of tax for
taverns or coffee-
houses.

1873. privilege, the board may charge and collect, for each additional bar, any sum not to exceed one hundred dollars per year.

Rate of grocery tax. § 29. The said board of trustees shall have power and authority to charge and collect any sum, not to exceed fifty dollars per year, for a grocery license; and a grocery license within the meaning of this act shall only authorize the sale of spirituous, vinous, or malt liquors, in quantities not less than a quart, not to be drank on the premises where sold; but said board may grant, in addition to a grocery license, and connected therewith, the privilege of selling malt or vinous liquors by retail, to be drank on the premises where sold, for which additional privilege they may charge and collect any sum not exceeding fifty dollars per year.

Rate of druggists' license. § 30. They shall have power and authority to charge and collect any sum not exceeding thirty dollars per year for a druggists' license, which shall only authorize the sale of spirituous, malt, or vinous liquors by retail for medical purposes, and not to be drank on the premises where sold: *Provided*, That the board of trustees may, in their discretion, require all druggists to take out a grocery license in addition to a druggist's license; but in such case they shall not charge or collect a greater sum than seventy-five dollars for a grocery and druggist's license combined.

Penalty for selling liquors without license. § 31. That any person who shall vend intoxicating liquors by retail within the town of Shelbyville, or within one mile of the limits thereof, without such person shall have obtained from the board of trustees the proper license therefor, shall be subject to prosecution for selling without license, or for keeping a tippling-house (according to the nature of the selling); and for such offenses, the board of trustees may fix adequate penalties, to be recovered by warrant before the police judge; but the Shelby circuit court shall have concurrent jurisdiction with the police court to try such offenses, in which case the penalties inflicted shall be those prescribed by the State laws.

§ 32. That in granting licenses provided for in this act, the board of trustees shall be governed by the laws now in force in relation to the granting of license for the sale of spirituous liquors, as far as the same are not repealed or modified by this act. All bonds shall be taken by the clerk of the board of trustees for such licenses, and an oath administered by him as is required to be administered by clerks of the county court.

May have sidewalks laid. § 33. That the board of trustees shall have power and authority to cause the owners or occupiers of property on streets and alleys to make good and substantial brick or stone sidewalks along the same, and keep the same

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in good repair; and when the persons, who should do so, fail or refuse to obey and perform the directions given by the board of trustees, the said trustees may have their orders executed at their own expense, and the costs and charges thereby incurred shall be paid by the owner of the ground along which such sidewalks are constructed or repaired; and such costs and expenses shall be a lien upon said ground, and the improvements thereon, which lien the board may enforce by appropriate proceedings; and the board of trustees shall, in all cases, have the right and power to direct and control the grade of the streets, alleys, and sidewalks of said town; and shall have the right to obstruct the streets of said town for a reasonable length of time for the purpose of improving said streets; sinking cisterns, wells, and making other necessary improvements.

§ 34. No person shall be a qualified elector for the municipality of Shelbyville who shall not, at the time he offers to vote, have paid all the taxes due against him to said town.

Qualifications
of voters.

§ 35. That the board of trustees shall have power and authority to become a subscriber to the stock in any turnpike, plank, or railroad company, authorized to construct roads leading from the town of Shelbyville, in any amount exceeding twenty-five thousand dollars: *Provided*, The majority of the qualified voters of said town shall have cast their votes in favor of said subscription at an election held in said town as to the policy of stock; and the trustees of said town are authorized to raise the amount of subscription by a tax, not exceeding twenty-five cents on the hundred dollars on the real and personal estate, or either, within said town, taxable by the existing laws, or by borrowing the amount thereof, payable in the way and on the terms the said trustees may deem most advisable; and the trustees may provide for the payment of principal and interest of any sum borrowed, by taxation on the real and personal estate, or either; and it shall be the duty of said trustees, upon payment of said tax, to issue to such citizens paying the same a certificate of stock in any of said roads, equal in amount to the tax paid by them respectively for said purpose: *Provided*, The said trustees, after ten years after the completion of said roads in which said town may be a stockholder, may redeem said certificates out of any moneys then in the treasury.

May subscribe
stock in turnpike,
railroad, or plank
road companies
upon sanction of
people.

§ 36. That the trustees shall have power to impose a tax upon all domestic animals in said town, and to prohibit, by ordinance, their running at large within the town.

May tax domes-
tic animals.

1873.

Shall exercise
powers granted
by general laws in
regard to towns.

§ 37. That the said trustees shall exercise and possess all the powers and privileges which, by the general laws of the land in relation to towns, are granted to trustees; and shall have full power and authority to make all necessary by-laws and regulations for the purpose of carrying into effect the powers granted by this act, and also such as may be necessary for the comfort, cleanliness, good order, and security of said town, and the citizens thereof; and may enforce the same by adequate penalties, to be recovered in their name before the police judge: *Provided*, The same are not contrary to the Constitution and laws of the land. No suits shall be instituted against the said trustees, unless the same are instituted in the county of Shelby, and service on the chairman of the board shall be sufficient.

Annual report
to be published.

§ 38. That said board of trustees shall cause a copy of their annual receipts and disbursements of moneys to be published in some newspaper published in said town, or otherwise; which publication shall be made immediately after their annual settlement with their treasurer.

§ 39. This act shall take effect from its passage; and all acts in relation to said town inconsistent with this act, are hereby repealed.

Approved March 22, 1873.

CHAPTER 476.

AN ACT for the benefit of A. H. Kininmouth, of Butler county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of two hundred and seventy-three dollars be, and the same is hereby, appropriated to A. H. Kininmouth, for taking care of William B. Kininmouth, a pauper lunatic in Butler county, for two years and ninety-two days, at the rates of two hundred dollars per annum; and that the Auditor of Public Accounts be ordered to issue his warrant for said A. H. Kininmouth, to be paid out of any money in the Treasury not otherwise appropriated.

§ 2. This act to take effect from its passage.

Approved March 22, 1873.

CHAPTER 477.

1873.

AN ACT to amend an act for the benefit of the Carlisle and Jackstown Turnpike Road Company, Upper Route, approved December 20, 1871.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section one of an act for the benefit of the Carlisle and Jackstown Turnpike Road Company, Upper Route, approved December 20, 1871, be, and the same is hereby, amended, viz: The presiding judge of Nicholas county court be, and he is, authorized to levy, appropriate, and cause to be collected by the sheriff of Nicholas county, of the tax-payers therein, an ad valorem tax on all the taxable property in said county, sufficient to pay the subscription, in said section authorized, to the Carlisle and Jackstown Turnpike Road Company, Upper Route; said sheriff shall be required to give bond, with good security, to be approved by the presiding judge of said county, for the faithful discharge of his duties under this act, and for the collection and payment of said tax and levy to said turnpike company.

§ 2. This act shall take effect from its passage.

Approved March 22, 1873.

CHAPTER 478.

AN ACT to amend an act, entitled "An act to create the Hartford Seminary, of Ohio county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to create the Hartford Seminary, be, and the same is hereby, amended as follows: That it shall be the duty of the clerk of the Ohio county court, at his office, together with the sheriff and either the presiding judge or clerk of the circuit court of said county, annually, on the first Saturday in April, to hold an election for five trustees of Hartford Seminary, at which election all white persons qualified to vote under the present common school laws of the State, and then residing in common school district No. 1, as now laid off, and including the town of Hartford and its vicinity, shall be entitled to vote.

Election to
held for trustees.

§ 2. That said trustees, when so elected, shall hold their offices until their successors are duly elected and qualified, and shall be a body-corporate, in whom all the rights, privileges, and property of said seminary shall vest; and they shall have the right to contract and be contracted with, sue and be sued, and to purchase any lands suitable for seminary grounds, and erect and repair buildings on

Trustees—term
of office and du-
ties.

1873. the same; and at the same time and place the question shall be submitted to the qualified voters in said districts whether they are in favor of the tax imposed in the sixth section of this act; and the said tax shall not be assessed, as therein provided, unless ratified by a majority of the votes cast at said election.

Trustees to receive common school fund from State.

§ 3. Said trustees shall also be the trustees of said common school district No. 1, and have the right to report to and receive from the school commissioners, or from the State, any moneys to which said district may be entitled.

May appoint officers and require bond.

§ 4. Said trustees shall appoint a secretary and collector of their board. They shall require the collector to execute a covenant, with good and sufficient security, conditioned to pay over and account for to said trustees all sums that may come to his hands as collector, and to keep a faithful record of all moneys that come to his hands. It shall be the duty of the secretary to keep a like faithful record of the proceedings of the board of trustees, and of all warrants drawn by their order on the collector; and it shall be unlawful for the collector to pay any money without said order. Each of said records shall at all times [be] open to the inspection of said board or any member thereof.

Trustees to cause exhibit to be published.

Penalty for failing to discharge duty.

§ 5. It shall be the duty of said trustees to cause to be posted, at at least three public places in said district, for at least one month before the annual election for trustees, an abstract, showing the amount of money received by the board, and from what sources, and the amount still on hand, and the amount expended, and for what purpose; and on their failure to do so, each trustee then in office shall be liable to a fine of not less than ten dollars (\$10) or more than twenty dollars (\$20), which may be sued for by any person in the district liable to taxation, which fines shall go to the school fund of the district.

Trustees to levy tax from assessor's lists.

§ 6. Said trustees shall annually, on the return of the assessor's books, proceed to make out a list of all male white persons over twenty-one years of age, and of all property in the district belonging to white persons, and shall proceed to levy a tax on said persons and property, which, together with the school fund coming from the State, shall be sufficient to defray the school expenses of that year for said district: *Provided*, That said tax shall not exceed twenty-five cents on each one hundred dollars valuation of property, and three dollars on each poll or person: *And provided also*, That the money arising from taxation, together with such sums as the trustees may raise from private subscription or donation, shall be kept apart and reserved from the school fund coming from the State until a sufficient amount has been raised to procure grounds, and raise or erect suitable seminary buildings in

said district. And should the funds raised in one year not be sufficient for that purpose, the trustees shall retain or securely invest them until an amount sufficient for that purpose has accrued; or they may contract for the building of the same by pledging or hypothecating the fund to be collected from year to year; but no mechanics', builders', or any other kind of lien, shall ever be incurred or enforced, or exist on any of the grounds or buildings of said seminary, for any debts incurred by said trustees; but each board of trustees may be held personally liable for any debts contracted by them which cannot be paid out of the funds arising from taxation as aforesaid.

1873.

§ 7. Immediately after making out said list, the trustees shall cause notices to be posted at three public places in the district notifying the tax-payers that the list is in the hands of their collector, where it shall remain for sixty days, at the end of which time they shall make out a list of all delinquents who have failed to pay, showing the amount due from each person, and place the same in the hands of their collector, or the town marshal, or any constable or sheriff of the county, who shall be liable for the collection of the same on his official bond, and be authorized to distrain and sell property for the same in the same manner as other taxes, and charge and collect off of delinquents an additional ten per cent. on the amount thereof, which shall be his only compensation, and he shall account for the same in three months after the list shall have come to his hands.

May give notice that lists are made out, and then proceed to collect same.

§ 8. The common school fund coming from the State shall be applied by said trustees for common school purposes in the same manner now regulated by the common school laws, until suitable seminary buildings shall have been erected and paid for, after which time said trustees shall raise a sufficient fund yearly, as provided for by section sixth, to have a common school taught for at least ten months in each year, by competent teachers, at which each white scholar in the district, within the school ages, shall have a right to attend, whether paid for or not; and said trustees may also admit scholars not living in the district, or those over the school age living in the district to said school, charging them ordinary fees for tuition in the same, which fees are to go to the school fund of the district.

How funds to be disposed of.

§ 9. Said trustees shall have full control over the teachers, scholars, and property of said school or seminary; and the right to adopt rules and by-laws for the government of the same; and the power to purchase books, maps, charts, and other school and philosophical apparatus for the use of the same; and to grant diplomas

To have control of school, property, &c.

1873. of merit and scholarship to the pupils thereof according to their merit.

§ 10. This act shall take effect from its passage.

Approved March 22, 1873.

CHAPTER 479.

AN ACT to charter the Owenton Cemetery Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators' names.

Name and style.

§ 1. That Jesse Holbrook, B. F. Stamper, Joseph Clark, J. W. Johnson, H. P. Montgomery, and J. H. Dorman, their successors and associates, be, and they are hereby, constituted a body-corporate, under the name and style of the Owenton Cemetery Company; and by that name shall have power to contract and be contracted with, sue and be sued; use a common seal; make all necessary by-laws, rules and regulations, for its government, not inconsistent with law and the provisions hereof; and do such other things as are incident to such a corporation, and necessary to effectuate the object and purpose thereof, which is to provide a suitable and permanent cemetery, at or near Owenton, for the burial of the dead.

Corporate powers.

§ 2. Said corporation shall have the power to take, acquire, and hold, by purchase, gift, or devise, for the purpose aforesaid, any quantity of land in the county of Owen, not exceeding one mile from the town of Owenton, and not more in quantity than ten acres, and receive a conveyance of the same in its corporate name; which land, when so conveyed, shall be held by said corporation for a cemetery, and shall never be alienated or used by said corporation for any other purpose; and said land and its appurtenances shall be forever free and exempt from all taxation, and from all executions, attachments, or other legal process, and from any charge, liability, appropriation, or assessment, to or for any public [purpose], inconsistent with its use as a cemetery, for which purpose and use it is hereby forever dedicated.

§ 3. Said corporation shall cause a plat or plan to be made of the land so acquired by it, dividing the said land into suitable avenues, walks, and burial lots, and designating the said avenues and walks by name, and the said burial lots by numbers; which plat or plan shall be recorded on the books of said corporation, and on the records of titles of Owen county. After the said land is thus laid off, the corporation shall have power to sell said burial lots in such manner, and on such terms, as may be prescribed by the board of directors of said corporation.

§ 4. Each purchaser of a burial lot in said cemetery, upon the production of a receipt in full for the price of the lot purchased by him from the acting treasurer of the corporation, shall be entitled to a conveyance of said lot, which conveyance shall be made by a certificate of the board of directors of the corporation, or a majority thereof, under seal of the corporation, and countersigned by the acting secretary of the corporation, specifying that such purchaser is the owner of such lot or lots, which certificate shall be recorded on the books of the corporation, and on the records of title of Owen county; and such certificate shall vest the fee-simple right and title in and to such lot or lots in the purchaser, his heirs and assigns, forever, exempt and free from all assessments or taxations, or executions, attachments, or other legal process, and shall have the same effect for all purposes as deeds duly executed, delivered, and recorded; but said lots shall be held by the purchasers thereof subject to the by-laws, rules and regulations, of the corporation and its board of directors; and said lots shall never be used by said purchasers for any other purpose than that of burial lots; and if applied to any other use, the right and title thereto shall revert to the corporation. 1873.

Purchaser of lot
to have convey-
ance made.

§ 5. Each person receiving a certificate, as aforesaid, for one or more of said lots, shall thereby become, and be considered thereafter, a member of this corporation, and he shall be entitled to a vote in all meetings of the corporation.

Owners of lots
to be members of
corporation.

§ 6. The affairs and business of the corporation shall be managed by a board of — directors, all of whom must be lot-owners in said cemetery. The persons hereinbefore named as incorporators shall constitute the first board of directors of the corporation, and shall continue in office until the first Saturday in July, 1874, or until their successors are elected and qualified; at which time, and every two years thereafter, the members of the corporation may elect a board of directors, who shall hold their office until their successors are elected and qualified; they shall choose a president out of their number, and they may appoint a secretary and treasurer, who shall give bond as they may require, for the faithful performance of his duties. All vacancies in said board of directors shall be filled by an appointment made by the president.

Directors—their
term of office and
duties.

§ 7. The board of directors shall make such by-laws, rules and regulations, as they may deem proper, for calling and conducting their meetings, and for the transaction of their business and duties; they shall have control of all the business transactions of the said corporation; they shall collect and expend for the said corporation

May make by-
laws, &c.

1873. all moneys; they shall have complete control of the cemetery grounds and other property; shall have power to inclose, improve, embellish, and adorn the cemetery grounds; and to prescribe rules for inclosing, adorning and erecting monuments or vaults upon the cemetery lot by purchasers; and shall have power to prohibit any use, division, or adornment of a lot which they may deem improper, or may abate or alter the same. At the regular meetings of the said corporation, which may be called annually by the board of directors, upon such day as they may deem proper, the board of directors shall report their actions and the condition of the corporation.

Penalty for
violating graves,
injuring monu-
ments, &c.

§ 8. If any person shall willfully, and without lawful authority, violate any of the graves of the dead, or deface or remove any of the tombstones, monuments, or inclosures, or cut, break, or injure any tree, shrub, plant, or other ornament of said cemetery, he shall be deemed guilty of a misdemeanor, and besides being liable to the corporation, or to the owner of the lot injured, for the damage or injury done, he shall be fined not less than ten dollars nor more than fifty dollars, for each offense, recoverable by warrant before the quarterly court of Owen county, or the police court of the town of Owenton, which courts are hereby given jurisdiction thereof.

May borrow
money on bonds.
Name and style.

§ 9. It shall be lawful for the president and directors of said company, from time to time, and at all times, to borrow, or obtain on loan, or upon bonds, which may be issued by them, bearing a rate of interest not to exceed ten per cent. per annum, such sums of money as they may deem necessary and expedient for the use of said company or corporation; and it shall be the duty of said board of directors, at the time of issuing any such bonds, to provide the means for creating a sinking fund adequate to redeem said bonds at their maturity.

§ 10. This act shall take effect from its passage.

Approved March 22, 1873.

CHAPTER 480.

AN ACT for the benefit of school district No. 47, in Larue county.

WHEREAS, H. T. Middleton was employed to teach a common school in district number forty-seven, in Larue county, for the school year ending June the 30th, 1873; and whereas, said school was taught for two and one half months satisfactory to the trustees and patrons of said district, when the teacher, for some cause unknown, quit the school and left the country for parts unknown, leaving a wife and four children in a helpless condition; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

1873.

§ 1. That the Auditor of Public Accounts be, and he is, directed to draw his warrant upon the Treasurer, in favor of the school commissioner of Larue county, for the amount of school money due district number forty-seven, in Larue county, for the school year ending June the 30th, 1873

§ 2. It shall be the duty of the said school commissioner to pay over the said school money due said district, when received by him, to the trustees of said district, and it shall be their duty to pay to Polly Middleton, the wife of said H. T. Middleton, five sixths of said amount, and apply the remaining one sixth for school purposes in said district.

§ 3. That this act shall take effect from its passage.

Approved March 22, 1873.

CHAPTER 481.

AN ACT for the benefit of R. H. Williams, sheriff of Owen county, and his sureties.

WHEREAS, At the August term, 1872, of the Franklin circuit court, judgment was rendered against R. H. Williams, sheriff of Owen county, and his sureties, S. F. Williams, F. M. White, and John M. Smith, for \$4,719 01, balance of the revenue for the year 1871, and damages thereon, amounting to the sum of \$943 80, and \$3 10 costs; and whereas, the said Williams is, at the same time, entitled to a credit of \$1,281 24, the amount of his properly and legally certified delinquent list for the year aforesaid, and for which he has never received a credit, but has fully paid up said judgment with interest, costs, and commissions, leaving due thereon the damages only; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the said R. H. Williams, sheriff aforesaid, and his sureties, S. F. Williams, F. M. White, and John M. Smith, be, and they are hereby, released from all obligation to pay the damages aforesaid or any part thereof; and that the Auditor of Public Accounts be, and he is hereby, authorized and directed to allow and give the said Williams, as sheriff aforesaid, a credit of \$1,281 24 on the revenue or taxes due from said county for the year 1872, it being the amount of the delinquent list above mentioned.

§ 2. This act shall take effect from its passage.

Approved March 22, 1873.

1873.

CHAPTER 482.

AN ACT to amend an act, entitled "An act to incorporate the Louisville Orphan Home Society," approved February 26th, 1849.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the property of the Louisville Presbyterian Orphan Asylum, incorporated by an act approved the 10th day of February, 1870, be, and the same is hereby, exempt from taxation.

§ 2. This act shall take effect from its passage.

Approved March 22, 1873.

CHAPTER 483.

AN ACT to incorporate Greensburg Lodge of Free and Accepted York Masons.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the members of Greensburg Lodge, No. 54, of Free and Accepted Masons, in Greensburg, Green county, Kentucky, and those hereafter admitted to membership in said Lodge, be, and they are hereby, incorporated in the name and style of Greensburg Lodge, No. 54, of Free and Accepted Masons; and in that name shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded; and shall have the power of acquiring and holding, by purchase or otherwise, real and personal property for Masonic purposes, not exceeding in value five thousand dollars; and may, at any time, sell and convey the same, or any part thereof, and reinvest or dispose of the proceeds; and to pass and adopt such by-laws for its government as it may deem proper: *Provided*, The same be not inconsistent with the laws and Constitution of the United States or the State of Kentucky. The said Lodge may adopt a seal, and renew and break the same at pleasure. That said Lodge may build and erect, own and hold, or purchase, a hall, and such other buildings as they may see fit. That they may loan, or cause to be loaned, any moneys that they may have on hand, and collect the same by suit or otherwise, in their corporate name, or transact any other business that they may deem proper and right, or may have power and authority to invest their means in lands or stock, and hold or dispose of them at pleasure.

§ 2. That to John W. Williams, Benj. B. Scott, and James W. Jones (the Worshipful Master, Senior and Junior Wardens), and their successors in office, is con-

Name and style.

Corporate powers.

Corporators' names and powers.

fided the management of the concerns of said corporation as trustees thereof, who, or a majority of whom, shall have power to make all contracts pertaining to the personal or real estate of said Lodge; and in conveying real estate they shall join in the conveyance.

1873.

§ 3. That service of process upon the Master and Wardens as trustees shall be deemed sufficient notice to said Lodge. That the General Assembly reserves the right to amend, alter, or abolish this charter, at any time, upon the request of a majority of all the members of said Lodge.

§ 4. This act to take effect from and after its passage.

Approved March 22, 1873.

CHAPTER 484.

AN ACT to amend an act, entitled "An act in relation to official sales in Boyle and Lincoln counties," approved March 7, 1871.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of an act, entitled "An act in relation to official sales in Boyle and Lincoln counties," as relates to official sales in Boyle county, be, and the same is hereby, repealed.

§ 2. This act shall take effect from and after its passage.

Approved March 22, 1873.

CHAPTER 485.

AN ACT to repeal an act amending the charter of Nicholasville, approved January 6, 1871.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to amend the charter of the town of Nicholasville," approved 6th January, 1871, be, and the same is hereby, repealed.

§ 2. This act to be in force from its passage.

Approved March 22, 1873.

CHAPTER 486.

AN ACT to amend the charter of the Mount Freedom and Jessamine County Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section three of an act, entitled "An act to incorporate the Mount Freedom and Jessamine Coun-

1873. ty Turnpike Road Company," be, and the same is, so amended as to strike out the words "ten thousand dollars" in the fourteenth line of said section, and insert "five thousand dollars;" and also the words, "duty of the commissioners," occurring immediately after, and insert in lieu thereof, "duty of two or more commissioners."

§ 2. That section six of said act be amended by authorizing the president and directors of said road, when the same shall have been completed from the bridge at Lowry's mills, to its intersection of the Nicholasville and Jessamine County Turnpike Road, to erect a toll-gate, and collect tolls the same as if five miles of said road had been completed.

§ 3. That section twenty of said act be amended as follows, viz: If the subscribers to the company hereby authorized shall not become so far organized as to elect a president and directors by the 15th day of March, 1874, and, within twelve months thereafter, make bona fide contracts for the construction of the part of said road described in section two of this act, the privileges of said corporation shall cease, and said act be void.

§ 4. That this act shall take effect from and after its passage.

Approved March 22, 1873.

CHAPTER 487.

AN ACT to amend an act approved March 23d, 1871, entitled "An act to amend the law in relation to county judges," approved February 13th, 1858.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act approved March the 23d, 1871, entitled "An act to amend the law in relation to county judges," approved February the 13th, 1858, be, and the same is, so amended that the provisions of said act shall apply to the county of Hardin.

§ 2. This act shall take effect and be in force from its passage.

Approved March 23, 1873.

CHAPTER 488.

1873.

AN ACT for the benefit of the Louisville Medical College.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Louisville Medical College, incorporated by act of the General Assembly, approved 26th of January, 1869, is hereby authorized and empowered to issue and sell its bonds, of the denomination of one thousand dollars and five hundred dollars, to be signed by the president and countersigned by the secretary of said college, with the seal of the corporation affixed, to an amount not exceeding twenty-five thousand dollars, bearing not exceeding ten (10) per cent. interest, payable semi-annually, with coupons attached, signed by the secretary of said college, to be made payable as said company or college may direct, within thirty years from their date. Said bonds may be issued and sold at such times and in such installments as may be desired by said college.

May issue bonds.

§ 2. To secure the prompt payment of the interest and principal of bonds issued by authority of this act, said college may execute a mortgage or deed of trust, conveying all of its property, rights and privileges to a trustee or trustees, and from time to time fill vacancies that may occur, for the use and to secure the holders of such bonds, with such covenants and stipulations as may be necessary to effect the purpose and objects of its execution.

Mortgage to be executed to secure bonds.

§ 3. That if the mortgage or deed of trust authorized by the preceding section, shall be foreclosed by legal proceedings, such foreclosure shall be for the benefit of all the holders of bonds secured by its provisions. Such foreclosure shall not take place until ten days after publication of notice of the commencement of proceedings to that end shall have been made in one or more newspapers published in the city of Louisville. The purchaser of the property, by reason of any sale to satisfy the demands of such bondholders, shall be vested with all the rights, privileges and immunities of the corporation, and with the title to all the property mortgaged or conveyed in trust.

Mode of foreclosing mortgage.

§ 4. This act shall take effect from its passage.

Approved March 22, 1873.

1873.

CHAPTER 489.

AN ACT to amend an act, entitled "An act to incorporate Cecilian College, in Hardin county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate Cecilian College, in Hardin county," approved January 25th, 1867, be, and the same is hereby, so amended as to exempt from taxation for revenue and county purposes the college buildings and ground upon which said college stands to the amount of five acres.

§ 2. This act shall take effect from its passage.

Approved March 22, 1873.

CHAPTER 490.

AN ACT for the benefit of John T. Ratcliff and Samuel P. Ratcliff, of Carter county.

WHEREAS, John T. Ratcliff and Samuel P. Ratcliff are indebted to the Commonwealth of Kentucky in the sum of sixty dollars and eighty-six cents, for unpaid taxes on lands, in the county of Carter, for the years 1860, 1861, and 1866, and said lands have been forfeited by the Commonwealth; and the same lands were also forfeited by the Commonwealth, in the names of James Ward and Isaac Trimble, for the year 1868, although said Ward and Trimble did not own the same, but they had been listed by mistake in their names instead of said Ratcliff's; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That whenever said John T. and Samuel P. Ratcliff shall pay the Auditor the said sum of sixty dollars and eighty-six cents he shall receipt to them therefor; and all forfeitures of their said lands are hereby declared null and void, and they are remitted to full and complete ownership thereof as if no forfeiture had ever been made; and the Auditor shall give them a certified statement, in writing, to that effect.

§ 2. This act shall take effect from its passage.

Approved March 22, 1873.

CHAPTER 491.

1873.

AN ACT authorizing the Marshall county court to issue bonds and levy a tax to build or repair bridges in said county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Marshall county, a majority of all the justices therein concurring, is hereby authorized to issue the bonds of said county, to an amount not exceeding five thousand dollars, in sums of from one hundred to five hundred dollars, bearing any rate of interest not exceeding ten per centum per annum, payable and redeemable at the pleasure of the court, at any time within five years from the date of the bonds, which bonds shall be signed by the judge and the clerk of said court, and may be sold upon such terms as the court may prescribe. The moneys paid for said bonds shall be applied to the building or repairing of bridges in said county, in such manner as the court may direct; and to pay the interest as it accrues on said bonds, and the principal at maturity, the court shall levy and have collected, either a poll tax or a tax upon all property within the county taxable for State revenue purposes, or both, as the court may at any time, in its discretion, deem proper.

County court may issue bonds.

Purpose for which funds to be used.

Court to levy tax to pay bonds.

§ 2. This act shall take effect from its passage.

Approved March 22, 1873.

CHAPTER 492.

AN ACT to authorize Samuel Salyer, of Magoffin county, to adopt John P. Simer as a legal heir at law.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John P. Simer, of Magoffin county, be, and he is hereby, legitimated as the child of Samuel Salyer, of Magoffin county, with the right to inherit and take by descent as a lawful child and heir at law of the said Samuel Salyer.

§ 2. This act shall take effect from its passage.

Approved March 22, 1873.

CHAPTER 493.

AN ACT to amend the charter of the city of Hopkinsville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the thirty-second (32) section of article three (3) of the charter of the city of Hopkinsville, passed and ap-

1873. proved March 5th, 1870, be, and the same is hereby, repealed when this act takes effect, and the following is enacted in lieu of said section.

City attorney
to be elected, and
his term of office.

§ 2. That hereafter there shall be elected, on the first Saturday of August in each year, by the legal and qualified voters of the city of Hopkinsville, and at the same time the board of councilmen are elected, a city attorney for the city of Hopkinsville, who shall hold his office for one year, and until his successor is duly elected and qualified.

Duties of city
attorney.

§ 3. That it shall be the duty of the city attorney to furnish legal information to the board of councilmen, or to any officer of said city when called on; draft and prepare all by-laws and ordinances at the request of the board of councilmen, and also prepare any and all contracts or other legal papers and documents for and in behalf of the city, and as the board of councilmen may require; he shall also prosecute all offenders before the city court for any and all violations of the criminal or penal laws of the Commonwealth, or for a violation of any of the by-laws or ordinances of said city, of which the city court has jurisdiction, and which shall be tried therein; he shall represent, as an attorney, the interest of the city of Hopkinsville in any and all suits or proceedings in which the city of Hopkinsville has an interest or is a party in any and all courts; and shall bring and prosecute to final judgment or settlement all such suit or suits, motions or proceedings, as the board of councilmen may direct and require.

Compensation
of city attorney.

§ 4. The said city attorney shall be entitled to have and receive, as compensation for his services, thirty per cent. of all fines and forfeitures imposed and collected in the city court: *Provided*, That he shall not be entitled to anything upon any fine or forfeiture imposed or assessed in said court in which he fails to attend and prosecute: *And provided further*, That if only a part of a fine or forfeiture is collected, he shall only receive his pro rata share of such part as may be collected.

§ 5. The board of councilmen of the city of Hopkinsville shall have no power or authority to allow or appropriate anything to the city attorney out of the treasury or revenues of said city, for any services which said city attorney may render or be required to render in behalf of said city, under and by virtue of this act.

§ 6. This act shall take effect and be in force on and after the first Saturday in August, 1873.

Approved March 22, 1873.

CHAPTER 494.

1873.

AN ACT for the benefit of John E. Abbott, administrator of D. C. Doran, late sheriff of Hart county.

WHEREAS, D. C. Doran, late sheriff of Hart county, was afflicted by a cancerous disease which prevented him from discharging his duties as sheriff in collecting the revenue due from Hart county for the year 1871, and having died from said disease before settling his account; and whereas, John E. Abbott, his administrator, undertook to collect, and did collect the revenue due from said county, and paid the same into the Treasury, together with the sum of \$97 41, the penalty of five per cent. imposed by the act of March, 1871, on all revenue not paid by the 1st of April, 1872; and whereas, it appears that, under these circumstances, that, in equity and justice, the said Abbott ought to have the said amount of \$97 41, the penalty imposed, refunded; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasury for the sum of ninety-seven dollars and forty-one cents, in favor of John E. Abbott, administrator of D. C. Doran, late sheriff of Hart county, that being the amount paid by said Abbott, administrator, into the Treasury as penalty on the amount of revenue due from Hart county for the year 1871.

§ 2. This act to take effect from its passage.

Approved March 22, 1873.

CHAPTER 495.

AN ACT to prohibit the granting of license for the sale of spirituous, vinous, or malt liquors in the town of Butler, or within one mile thereof.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter it shall not be lawful for the Pendleton county court, or the board of trustees of the town of Butler, to grant a license to any tavern, saloon, or coffee-house keeper, or licensed merchant, for the sale of spirituous, vinous, or malt liquors, or a mixture of either, within the limits of said town, or within one mile thereof.

Unlawful to
sell liquors in said
town.

§ 2. That all acts and parts of acts relating to the Pendleton county court, or to the town of Butler, inconsistent herewith, are hereby repealed.

§ 3. This act shall not become a law until it shall have been submitted to a vote of the voters of the Butler precinct, and have received a majority thereof cast at a

Act to be sub-
mitted to people.

1873. special election, to be held in said district on the second Monday in May next.

§ 4. This act to be in force from its passage.

Approved March 22, 1873.

CHAPTER 496.

AN ACT to permit John Williams to erect a mill-dam across Troublesome creek, in Perry county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John Williams is hereby authorized to erect a mill-dam across Troublesome creek, in Perry county, about one mile below the mouth of Ball's fork of Troublesome creek. Said mill-dam shall not exceed four feet in height, with a sufficient chute for logs, timber, and other crafts, to pass down said Troublesome creek.

§ 2. And that when it becomes necessary to take said mill-dam out of said creek, said Williams shall remove the same without any expense to the State.

§ 3. The county court of Perry county, at any time, may, for good cause shown, make an order for said Williams to remove said mill-dam out of said creek.

§ 4. This act shall take effect from its passage.

Approved March 22, 1873.

CHAPTER 497.

AN ACT for the benefit of Gabe Hays, of the county of Breathitt.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Gabe Hays, of the county of Breathitt, be, and he is hereby, authorized to erect a mill-dam across Troublesome creek, near the Red Hill, where said Hays is now building a mill, in said county: *Provided, however,* The said dam shall not exceed two feet in height from the bottom of said creek, which is to be forty feet wide in the center of the creek, rising to each bank so as to make the dam four feet high at each bank of said creek.

§ 2. This act to take effect from its passage.

Approved March 22, 1873.

CHAPTER 498.

1873.

AN ACT concerning the public roads in Hardin county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the court of claims for Hardin county be, and is hereby, authorized, at each annual session, when the ordinary levy is laid, to levy, in addition thereto, a tax not to exceed five cents on each one hundred dollars' worth of taxable property, taxable in said county for revenue purposes, and one dollar on each tithable in said county, the proceeds of which shall be used as herein directed for opening and repairing roads, and repairing and building bridges in said county.

County courts
to levy tax for
road purposes.

§ 2. The sheriff of said county shall collect and account for the tax levied under this act in the same manner, and under the same responsibilities, and in doing so shall have the same powers, as in the collection of the county levy.

Sheriff to collect
and pay over said
tax.

§ 3. At the time of making the first levy under this act, and every two years thereafter, the court shall elect a suitable person to take charge of and keep the public roads in the county in repair, who shall hold his office for two years, or during the pleasure of the court, and shall be known as the superintendent of roads for Hardin county. He may, with the assent of the county court, at any regular term thereof, appoint one or more deputies, and remove them at pleasure; he may employ labor, buy tools and material, and hire wagons, teams, and plows, and procure whatever else may be necessary in the discharge of his duties; but he shall not make any contract, except for labor, involving an expenditure of more than one hundred dollars, unless the same be in writing, and approved by the county judge, which approval shall be indorsed on the contract. He shall keep the public roads in said county in repair, and shall, when so ordered by the court, repair bridges, erect new bridges, open new roads, and [make] alterations in old ones, and do any other thing which surveyors of public roads may be required to do under existing laws, or which the court could legally order to be done, in reference to roads or bridges, by a commissioner appointed by it.

Road Superin-
tendent—his term
of office and du-
ties.

§ 4. The sheriff shall pay over money in his hands upon orders to be drawn by the superintendent; but orders for more than fifty dollars (\$50) shall not be paid until indorsed "approved" by the county judge, over his signature, and each order shall set forth in detail the items for which it is given.

How sheriff shall
dispose of funds
in his hands.

§ 5. The superintendent shall, before he enters upon the discharge of his duties as such, take an oath faithfully to

Superintendent
to take oath, and
give bond.

1873. perform his duties, and shall execute bond, with sureties to be approved by the court, conditioned for a faithful performance of his duties, and that he will not be guilty of any misfeasance or nonfeasance in office, on which suit may be brought, from time to time, by any person aggrieved by a violation of said bond. Deputy superintendents shall take the same oath required to be taken by their principal; and he shall be responsible on his bond for any act or omission by them, or any of them, for which he would be liable if he had done or omitted the act complained of.

Penalty for Superintendent failing to discharge duties.

§ 6. If the superintendent shall fail to perform his duty under this act, he may be proceeded against by indictment, and upon conviction shall be fined not less than ten (\$10) nor more than one hundred (\$100), in the discretion of the jury; or when so ordered by the county court, he and his sureties may be sued on his bond in the name of the county, in which case recovery may be had for a like sum for the benefit of the road fund of the county.

Vacancy—how filled.

§ 7. If a vacancy shall occur in the office of superintendent of roads, the county judge may, at any term of the court, appoint some one to fill the vacancy until the next annual meeting of the court of claims, when the vacancy shall be filled by that court.

Superintendent to keep accounts and make report.

§ 8. The superintendent shall keep an account of all contracts made by him, and of all orders drawn, specifying the name of the person to whom given, the items contained in it, and the amount, and shall make report to each court of claims, and oftener if so ordered by the court, which report shall set forth, in detail, every item of expenditure, so as to show to whom, and on what account, and when it was made, and any other fact required by the court to be reported, and shall verify the same by his affidavit; and for any willfully false statement in such report he shall incur the pains and penalties denounced against false swearing.

Act to be submitted to people.

§ 9. It shall be the duty of the officers of the election in Hardin county to cause a poll to be opened at each voting place in said county, at the next August election, and to ask each voter whether he votes for or against the law requiring the roads in your county to be kept up by taxation instead of by road workings, and to record the votes; and if a majority of those voting for and against said law vote for it, then this act shall be thereafter obeyed and enforced in said county; and thereafter no person shall be bound to work on roads in said county under existing laws; but if a majority of such voters shall not vote in favor of this act, the present road law shall remain in force. Where the provisions of this act apply to the county of Hardin it shall also apply to the county of Meade.

Approved March 22, 1873.

CHAPTER 499.

1873.

AN ACT to authorize the Butler county court to establish a ferry on Green river, near Morgantown, at or near Morrison's old ferry.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Butler county, a majority of the justices of the peace being present and concurring therein, be, and it is hereby, authorized to establish a ferry on Green river, at or near what is called Morrison's old ferry, near Morgantown, in pursuance of and in compliance with the general law upon the subject of ferries, as provided by chapter thirty-nine of the Revised Statutes.

§ 2. This act shall take effect from its passage.

Approved March 22, 1873.

CHAPTER 500.

AN ACT for the benefit of common school district No. 5, in the county of Barren.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Superintendent of Public Instruction be, and he is hereby, directed to draw his warrant upon the Auditor of Public Accounts for the sum of two hundred and seven dollars, to be appropriated out of any surplus school fund which is placed to the credit of Barren county, in favor of the common school commissioner of Barren county; and that said commissioner is hereby directed to pay over the same to the trustees of common school district No. 5, in said county, to be appropriated by said trustees in conformity with the requirements of the common school law of Kentucky.

§ 2. This act shall take effect from the time of its passage.

Approved March 22, 1873.

CHAPTER 501.

AN ACT to prevent the destruction of fish in Salt river, in Anderson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any person to drag or use a seine (other than a minnow seine), net, or trap in the waters of Salt river, in Anderson county, for the pur-

1873. pose of catching fish; and any person violating the provisions of this act shall be guilty of misdemeanor, and shall, for each offense, be fined in the sum of twenty dollars, one half of said fine to go to the informer.

§ 2. Any person who shall violate the provisions of this act may be proceeded against by warrant of arrest, or by summons; and the judge of the quarterly court, or any justice of the peace, may try such person for offenses arising under the provisions of this act.

§ 3. This act shall take effect from its passage.

Approved March 22, 1873.

CHAPTER 502.

AN ACT for the benefit of S. S. Farris, sheriff of Barren county.

WHEREAS, Four hundred and fifty-nine dollars and eighteen cents in damages have accrued to the State of Kentucky against S. S. Farris, sheriff of Barren county, on account of the failure of said Farris to settle with the Auditor on the first day of April, 1872, the revenue of Barren county for the year 1871; and whereas, the said Farris was prevented from so doing on account of the circuit court of said county being in session at said time, and did, in a few days thereafter, settle and pay over said revenue in full for said year to said Auditor; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the said Farris be, and he is hereby, released from the payment of said sum in damages to the State of Kentucky.

§ 2. This act shall take effect from the time of its passage.

Approved March 22, 1873.

CHAPTER 503.

AN ACT to amend the charter of the town of Germantown, in Bracken and Mason counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustees of the town of Germantown shall have power to appoint a committee to examine all chimneys and flues in said town and report to said trustees all chimneys and flues condemned by them as being defective.

§ 2. That the trustees shall give due notice and a reasonable time to the owners of all condemned chimneys and

Trustees to appoint committee to examine chimneys and condemn defective flues.

May order condemned chimneys repaired.

flues, by said committee, to repair and make safe the same; and if said owners fail to make the necessary repairs in proper time, then the trustees shall have power to repair all condemned chimneys and flues, and pay for the same out of the town treasury, bring suit against the owners thereof, in any court having jurisdiction, for the amount expended in making said repairs, and recover the same, with all costs that may accrue by the prosecution of the same.

§ 4. That this act shall take effect from its passage.

Approved March 22, 1873.

CHAPTER 504.

AN ACT for the benefit of the common schools of Johnson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Superintendent of Public Instruction is hereby directed and authorized to purchase a full set [of] charts, maps, globes, tellurian, orrery, cube root blocks, and such other apparatus as he may deem needful or useful in a teachers' institute, not exceeding in cost, however, the sum of three hundred dollars, and to draw his draft on the Auditor for same, who is hereby authorized to cause the same to be paid out of the Johnson county school bond.

§ 2. The same, when purchased, shall be the property of the Johnson County Teachers' Institute, and shall be transmitted to and be in the care of the Johnson county common school commissioner, who shall be responsible on his official bond for the same.

§ 3. This act shall take effect from its passage.

Approved March 22, 1873.

CHAPTER 505.

AN ACT for the benefit of school district No. 44, in Campbell county.

WHEREAS, A school has been taught in school district No. 44, in Campbell county, from October the 20th, 1872, to February 21st, 1873, by a teacher acceptable to the trustees and patrons of said school; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustees of school district No. 44, in Campbell county, be, and they are hereby, authorized to make a report of said school to the Superintendent of Public Instruction; and that said Superintendent is hereby au-

1873.

1873. thorized to draw his warrant in favor of said district for the amount of money to which they are entitled under the law, as though said school had been taught in all respects according to the requirements of the school law.

§ 2. That this act shall take effect from its passage.

Approved March 22, 1873.

CHAPTER 506.

AN ACT to declare War creek, in Breathitt county, a navigable stream.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That War creek, in Breathitt county, be, and the same is hereby, declared a navigable stream from its mouth to the mouth of the Spicewood Fork, on said creek.

§ 2. This act shall take effect from its passage.

Approved March 22, 1873.

CHAPTER 507.

AN ACT to amend an act, entitled "An act to incorporate the Hodgenville and Elizabethtown Turnpike Road Company," approved March 9, 1868.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That section one of said act be so amended as to read Hodgenville, Elizabethtown and Mt. Sherman Turnpike Road Company.

§ 2. That all the provisions and requirements of the act of March 9, 1868, incorporating the Hodgenville and Elizabethtown Turnpike Road Company, shall apply and be binding upon the Hodgenville, Elizabethtown and Mt. Sherman Turnpike Road Company.

§ 3. This act shall take effect and be in force from its passage.

Approved March 22, 1873.

CHAPTER 508.

AN ACT for the benefit of J. T. Freeman, of Whitley county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Auditor of Public Accounts draw his warrant on the Treasurer for the sum of thirty-five dollars and twenty cents, in favor of J. T. Freeman, of Whitley

county, it being the amount he is entitled to for conveying Franklin Barnett, a pauper lunatic, from Whitley Court-house to the Eastern Lunatic Asylum, at Lexington, and back to Whitley again.

1873.

§ 2. This act to take effect from its passage.

Approved March 22, 1873.

CHAPTER 509.

AN ACT for the benefit of the unfinished turnpike roads in Henry county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for the president and directors of any turnpike road company in Henry county to mortgage the turnpike road and all the property and franchises of said company, for any sum, in their discretion, necessary to pay any debt or debts owing by said company, or which they may deem advisable for repairing, constructing or completing said road or roads; and for such purposes may issue the bonds of the company in such sums, and bearing such rate of interest, and payable at such times and places, as the said president and directors may determine.

Companies may mortgage roads to complete same.

§ 2. The president of said company shall be *ex-officio* overseer of said road until such time as they shall be authorized by law to erect toll-gates and collect tolls, and have all the rights and powers which are now given the overseers of roads who are appointed by the county courts.

President to be overseer until road can erect gates.

§ 3. This act shall take effect from and after its passage.

Approved March 22, 1873.

CHAPTER 510.

AN ACT for the benefit of Amos Davis, sheriff of Morgan county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasury in favor of Amos Davis, sheriff of Morgan county, for the sum of fifty-six dollars and sixty cents (\$56 60), being amount of five per cent. damage paid by said Davis on the revenue due from Morgan county for the year 1871.

§ 2. This act shall take effect from its passage.

Approved March 22, 1873.

1873.

CHAPTER 511.

AN ACT to authorize the trustees of Russellville to appoint an inspector and weigher of coal.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the board of trustees of the town of Russellville is authorized to appoint an inspector and weigher of coal, may regulate his term of office, prescribe his duties, fix his fees, and provide for the payment of the same.

§ 2. This act to be in force from its passage.

Approved March 22, 1873.

CHAPTER 512.

AN ACT authorizing the jailer of Fayette county to appoint an additional deputy jailer.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act to authorize Thomas B. Megowan, jailer of Fayette county, to appoint a deputy jailer," approved March 21, 1871, be amended so as to empower the said Megowan to appoint two or more deputies.

§ 2. This act to take effect from and after its passage.

Approved March 22, 1873.

CHAPTER 513.

AN ACT for the benefit of H. W. Eggleston, of Kenton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the dividing line between the second and third magistrates' districts, in Kenton county, be, and the same is hereby, so changed as to include in said third district the dwelling-house of H. W. Eggleston, at the mouth of Fowler's creek.

§ 2. That this act take effect from and after its passage.

Approved March 22, 1873.

CHAPTER 514.

1873.

AN ACT defining the boundary line between the counties of Harlan and Bell.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the boundary line between the counties of Harlan and Bell be so defined as to run as follows, to-wit: Beginning one half mile above the winding stairs on Cumberland river; thence southeast to the Hanging Rock, so as to include Wilson B. Sailor; thence south a straight line to Puckett creek, crossing said creek above the mouth of Black Snake; thence with the dividing ridge between James Howard's mill creek and Black Snake, to the Bell county line.

§ 2. This act to take effect from and after its passage.

Approved March 22, 1873.

CHAPTER 515.

AN ACT to amend an act, entitled "An act to incorporate the Blandville and Cairo Turnpike Road Company," approved March 6th, 1868.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the president and directors of said company shall have the power, a majority of the stockholders concurring therein, to issue the bonds of said road, in amount not exceeding fifty thousand dollars, and made payable at not longer time than twenty years, and bear not exceeding ten per cent. interest, payable either annually or semi-annually, as may be deemed best by the company.

May issue bonds of company.

§ 2. The presiding judge of the Ballard county court shall, by and with the consent of a majority of the justices of the peace in said county, cast the vote of said county in proportion to the number of shares that she has in the said Blandville and Cairo Turnpike Road Company, upon all questions that the stockholders in said company are required to vote upon.

Judge of Ballard county court to vote county stock

§ 3. This act to take effect from and after its passage.

Approved March 22, 1873.

CHAPTER 516.

AN ACT for the benefit of John H. Pemberton, of Whitley county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts draw his warrant on the Treasurer for the sum of forty-six dol-

1873. lars and fifty cents in favor of John H. Pemberton, of Whitley county, for keeping and taking care of Franklin Barnett, a pauper lunatic, for the period of sixty-two days.

§ 2. That this act shall take effect from its passage.

Approved March 22, 1873.

CHAPTER 517.

AN ACT for the benefit of James Wills, sr., of Menifee county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and is hereby, directed to draw his warrant on the Treasury in favor of James Wills, sr., of Menifee county, for the sum of seventy-five dollars, for keeping and maintaining a colored pauper idiot, named Martha, for a period of eighteen months, beginning June 5th, 1871, and ending December 5th, 1872; said Martha having been adjudged an idiot by the verdict of a jury and judgment of the judge of the Menifee county court, and said Wills, her committee, having received no compensation for maintaining said idiot.

§ 2. This act shall take effect from its passage.

Approved March 22, 1873.

CHAPTER 518.

AN ACT to incorporate the Mechanics' Loan and Building Association, of Lexington.

WHEREAS, Certain citizens of Fayette county have united themselves into a voluntary association, with the object of enabling its members to accumulate, out of their weekly earnings, the capital necessary to purchase houses or other property, or to invest their savings at interest, and to assist its members and others, by loans and advancements, in the purchase of houses, the removal of encumbrances upon property owned by them, or the advancement of their business; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That James O. Harrison, Green Adams, H. Shaw, jr., B. G. Thomas, W. C. P. Breckinridge, W. W. Bruce, John B. Wallace, D. W. Standeford, C. B. Ross, Julius Speyer, J. W. Appleton, F. K. Hunt, H. M. Buford, M. G. Thompson, George Stoll, jr., J. D. Hunt, J. T. Slade, P. C. Kidd, F. H. Dudley, C. F. Cannon, Gus. Straus, and Wm.

Corporators'
names.

Farley, and their associates and successors, be, and they are hereby, constituted a body politic under the name and style of the Mechanics' Loan and Building Association, of Lexington, Kentucky, by which name they shall have succession, and may sue and be sued, implead and be impleaded, contract and be contracted with; may have a common seal, and break or alter the same at pleasure; may acquire and hold real and personal estate, and sell, mortgage, or otherwise dispose of the same.

1873.
Name and style.

Corporate powers.

Officers—when elected and terms of office.

§ 2. The officers of the Association shall be a president, vice president, solicitor, secretary, treasurer, and twelve directors, who, after the first election, shall be elected on the first Thursday in January of each year, and shall continue in office until their successors are elected and qualified. If for any reason the officers are not elected on the day fixed above, they may be elected at a meeting of the association called for that purpose; notice of which meeting, and the object thereof, shall be given by publication, for at least two weeks, in three or more newspapers published in the city of Lexington; and it shall be the duty of the board of directors to call a meeting for the purpose of electing officers, within one month after the day fixed for the regular election.

Powers and duties of directors.

§ 3. The president, vice president, and directors shall constitute a board of directors for the management of the business of the association. The board of directors shall have power to remove all officers, except members of the board, and to fill vacancies in all offices; and the person elected to fill a vacancy shall serve during the remainder of the term, and until his successor shall be elected and qualified. The association may require any officer to give bond for the faithful performance of his duties.

Capital stock.

§ 4. The capital stock of the association shall be five hundred thousand dollars, to be divided into shares of two hundred dollars each, and to be paid by the stockholders in weekly installments, of fifty cents each week on each share, for five years from the first election of officers; unless before that time said installments, with their net accumulations, shall amount to two hundred dollars for each share; in which case, and at all events at the end of said five years, there shall be a distribution of the cash assets on hand, and a liquidation of the affairs of the association; and after that time its corporate powers and existence shall only continue for winding up its business: *Provided*, That if a portion of the members desire to continue the existence of the association, they may do so for an additional period, the same as provided for its original existence. The members retiring must be paid

1873. their proportion of the assets, and those continuing may make a distribution of such part of the remainder as they may deem best. In case the association is continued, as herein provided, its corporate powers and capital stock shall continue the same as provided in the charter, during the period of its extended existence.

Books to be
opened for sub-
scriptions of stock

§ 5. The corporators named in the section one hereof, shall open books for the subscription of said stock, and as soon as four hundred shares have been subscribed, shall call a meeting of the shareholders, by notice published in two or more newspapers, for the election of officers for the first year and the transaction of other business. The books may be kept open for further subscriptions until the association shall order them to be closed; but persons subscribing after the first weekly installment is due, shall only be admitted on such terms as the association may fix.

§ 6. No member shall own more than twenty-five shares at one time.

How stock may
be transferred.

§ 7. The stock shall be transferable on the books of the association, in person or by attorney, in such manner as its constitution and by-laws may provide.

Business of as-
sociation.

§ 8. The association may loan any money in its treasury, arising from any source, on mortgages and liens on real estate ample in value to secure the same; or it may loan to its members, on the security of the shares of stock owned by them, sums not exceeding eighty per cent. of the amount actually paid in on such shares; said loans, in either case, to be made at such rate of interest, not exceeding ten per cent., as may be agreed on by the parties.

§ 9. In all loans of money, preference shall be given to members at the same premium.

Duties of debtors
and rights of as-
sociation.

§ 10. Every debtor to the association, by mortgage or lien, shall promptly pay all taxes and assessments on the property covered thereby; and where the land has buildings on it, he shall keep the same insured for the benefit of the association, unless it dispenses with insurance. Where the debtor neglects, for three months, to pay any tax or assessment, or fails, for ten days, to insure, when required to do so, the association may pay the tax or assessment, or insure the property, and charge the same sum paid to the account of such debtor; and said sum, with interest at the same rate as the original debt, shall be included in the lien or mortgage, and in the lien upon his shares of stock, and may be collected in the same manner as other sums so secured.

Effect of liens
or mortgages.

§ 11. Every lien or mortgage held by the association to secure a debt owing to it, shall render the property liable for the principal and interest of the debt, together with all fines and penalties imposed for delinquency in the payment of either, all taxes, assessments, and insurance on

the property paid by the association; with interest on the same, and such sum as the parties may agree upon, not exceeding five per cent. of the debt, to defray the expenses of foreclosure in case foreclosure is necessary.

1873.

§ 12. The association shall have power to fix fines and penalties for delinquency in the payment of weekly dues, or principal or interest of debts due it, or for the non-performance of a duty by its officers or agents, and enforce the same as provided in this charter; or it may empower the board of directors to fix such fines and penalties. It may also provide in its constitution or by-laws for the remission of such fines and penalties in proper cases.

May make rules
as to delinquents,
&c.

§ 13. The association shall have a lien on the share or shares of each member for the payment of all weekly dues, the principal and interest of debts due to it, all taxes, assessments, and insurance paid by it as provided in section ten, and all fines and penalties incurred by the member; and may enforce the same by the forfeiture of such share or shares, as follows: when any sum arising from the above sources shall have remained due and unpaid for more than three months, the board of directors may declare the share or shares of the delinquent member forfeited, and may sell the same at public auction, after having first given notice to the owner of said share that said stock has been forfeited, and advertise the time, place, and terms of said sale, for at least ten days, by posting notices at three public places in the city of Lexington, or advertising the same, for at least two weeks, in some weekly newspaper of that city, and apply the proceeds to the payment of all sums due to the association by the delinquent member at the time of the sale. Any balance remaining shall be paid over to the owner of the share or shares.

May have lien
on stock, and en-
force same.

§ 14. Whenever any portion of the principal or interest of a debt due the association, or any fine or penalty for delinquency in the payment of either, shall have remained due and unpaid for three months, the board of directors shall declare the whole of the principal and interest of such debt to be due, and may proceed to collect the same as if it had matured.

Upon certain cir-
cumstancy, debts
may be declared
due.

§ 15. The association shall have a regular meeting every three months, at such times as it may fix, and such other meetings as may, from time to time, be appointed or called.

Meetings.

§ 16. In the election of officers and transaction of other business, each member shall be entitled to at least one vote; and a member owning more shares than one shall have one vote for every five shares. All votes to be cast in person, except that the votes of females may be cast by written

How elections
to be conducted.

1873. proxy, and the votes of married women shall be cast by their husbands, and those of infants by their guardians.

How member
may retire.

§ 17. Whenever a member wishes to retire from the association he may notify the board of directors, and within two weeks thereafter his share or shares shall be sold at public auction, and any sum due by him to the association shall be paid out of the proceeds, and the balance paid over to the member retiring.

§ 18. The association may adopt for its government such constitution, by-laws, rules and regulations, as may seem best, provided the same be not in conflict with any provision of this charter, the laws of Kentucky, or the Constitution of the State or of the United States. It may also, at a regular quarterly meeting, authorize the board of directors to adopt, alter, or amend such constitution, by-laws, rules and regulations.

§ 19. This act shall take effect from and after its passage.

[Became a law without the Governor's signature, March 22, 1873.]

CHAPTER 519.

AN ACT authorizing the county court of Butler county to establish a ferry on Green river, in said county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

County court
may establish fer-
ry on Green river.

§ 1. That the county court of Butler county, a majority of the justices of the peace of said county concurring, be, and it is hereby, authorized either to purchase or establish a ferry on Green river, in Butler county, at such place as it may deem proper.

May establish
road to and from
ferry.

§ 2. That if said court deems it proper, it may establish a ferry at any point deemed proper on said river, and for that purpose may establish a county road to and from such ferry, on each side of the river.

May condemn
lands for said pur-
pose.

§ 3. That if it becomes necessary to condemn any land for said ferry, the court may have a writ of *ad quod damnum*, as now provided by law, as it may agree with the owners of the land, and take conveyance of same; and in either event, a sufficiency of land shall be condemned or purchased to permit ample facilities for the ferry and residence of ferryman, not exceeding fifty acres.

Court may ap-
point agent to
represent county
in such proceed-
ings.

§ 4. The said court may appoint any suitable person to make the purchase, and confirm the same by appropriate orders; and if a writ of *ad quod damnum* becomes necessary, the said court may appoint some person to have all the necessary steps taken to execute the writ, and represent the interest of the county. The proceedings shall be carried on in the name of the Butler county court.

§ 5. Either party may appeal from the decision or judgment rendered in any legal proceeding under the provisions of this act, to the circuit court of the county, which shall try the matter anew, and its judgment shall be final. The Butler county court may take the appeal without giving security.

§ 6. Said court shall have all power necessary to carry this act into effect.

§ 7. This act shall be in force and take effect from and after its passage.

1873.

Appeals to lie
to circuit court
only.

Approved March 22, 1873.

CHAPTER 520.

AN ACT to incorporate the Antioch and Burdett's Mill Turnpike Road Company, in Garrard county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That O. P. Hill, Ben. F. Jennings, John Lackey, Baylor Jennings, jr., Andrew Burdett, and Pleasant Hardin, be, and they are hereby, incorporated as a body-politic and corporate, under the name and style of the Antioch and Burdett's Mill Turnpike Road Company; and are hereby invested with all the powers incident and usual to such corporations, for the purpose of building a turnpike road from a point on the Lancaster and Buckeye Turnpike Road, near Antioch Church, in Garrard county, to or near to Andrew Burdett's mill on Sugar creek, in said county.

Corporators'
names.

Name and style.

§ 2. The capital stock of said company shall not exceed six thousand dollars, to be divided in shares of fifty dollars each; and the corporators above named, or any of them, may open books and receive subscriptions to the stock of said company; and whenever the sum of one thousand dollars shall be subscribed, said stockholders may meet at any time and place they may select, and proceed to the election of officers of said company; said officers shall consist of a president and five directors, who shall have power to appoint a secretary and treasurer, and compel the treasurer to execute bond for the faithful performance of his duties as such; said company may then proceed to the making and building of said turnpike road.

Capital stock.

Powers of directors

§ 3. The provisions of the Revised Statutes of Kentucky concerning turnpike roads, so far as they are not inconsistent with the provisions of this act, are hereby made a part of this charter.

§ 4. This act to be in force from its passage.

Approved March 22, 1873.

1873.

CHAPTER 523.

AN ACT to amend the charter of the Carrollton and Eagle Creek Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

May charge farmers for passing from one to another portion of farm.

§ 1. That the charter of the Carrollton and Eagle Creek Turnpike Road Company be so amended as to authorize and allow the president and directors of said company to charge and collect the same rate of tolls for using said road, in any way, from one farm or tract of land to another belonging to the same person, that they are now allowed by law to charge other persons for like use of said road.

Rate of toll to be charged.

§ 2. That the said president and directors be, and they are hereby, authorized to charge and collect the same rate of tolls from those who use said road, in any way, in going to or from the Ohio river road, or any other road which connects with said pike, that they are now allowed to charge those who go through the toll-gate in going to or from Carrollton: *Provided, however,* That said rate of toll shall be in accordance with the length of the road so used.

Directors may lease out said road.

§ 3. That the said president and directors shall be, and they are hereby, allowed and empowered to lease said road out to such parties as they may be able to lease the same, and on such terms as they may deem best for the interest of the company and the community in which said road is located: *Provided, however,* That the lessee shall not be allowed to charge or collect a greater rate of tolls than that which has been fixed by the board before such leasing, and that he shall be governed, in all respects, by the board of directors in the exercise of his rights as lessee.

§ 4. That this act shall take effect from its passage.

Approved March 22, 1873.

CHAPTER 524.

AN ACT to provide for defining and marking the line between the counties of Crittenden and Caldwell.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Surveyors to run and mark lines.

§ 1. That the county surveyor of Crittenden county, and the county surveyor of Caldwell county, be, and they are hereby, directed to run, define, and mark the line between the counties of Crittenden and Caldwell in this Commonwealth; that they employ chainmen and a marker, if necessary, and proceed to the line between

the two counties on Livingston creek; and that they run, define, and mark the line, where said line leaves the creek, between said counties of Crittenden and Caldwell, to the point on Tradewater river where said line strikes said river; and that in running said line they follow, as near as may be, the present recognized line between said two counties of Crittenden and Caldwell; and at the point where the line strikes Tradewater river they will firmly set a stone marked "County Line;" and that they make a full and detailed report, in writing, of all their doings under this act, to the county courts of Crittenden and Caldwell counties; and with their report, in each of said courts, they file a plat of the survey, courses, distances, marks, &c., of said line, which report and plat shall be entered in full on the order-book of each of said courts; said surveyors, chainmen, and marksman shall, before they proceed to act, take an oath, before some judicial officer of this Commonwealth, that they will faithfully, and to the best of their skill and judgment, discharge their duties under this act; and they shall perform the work herein required on or before the 1st day of June, 1873.

To make report
and file maps,
&c., to county
courts.

Said surveyors.
&c., to take oath.

§ 2. Said surveyors and chainmen and marksman, if any employed, shall be allowed three dollars per day, each, and the surveyors four dollars per day for their services; one half the cost of the survey, &c., made under this act, to be paid by each of said counties of Crittenden and Caldwell.

Compensation.

§ 3. This act to take effect from and after its passage.

Approved March 22, 1873.

CHAPTER 525.

AN ACT to fix the boundary of the town of Mt. Sterling, in Montgomery county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the corporate limits of the town of Mt. Sterling, in Montgomery county, be, and the same are hereby, changed and enlarged; and, instead of the present, that the following boundaries shall hereafter comprise the corporate limits of said town, to-wit: Beginning at a stone on the west side of Maysville street, one hundred and two feet northwards of Garnett Reid's house; thence one hundred and seventy feet north, seventy-one degrees forty-five minutes east; thence south eighty-four degrees, east three thousand three hundred and eighty feet; thence south eighteen degrees fifteen minutes, east five thousand two hundred and fifty feet; thence south seventy-one degrees

Boundary extended.

1873. forty-five minutes, west six thousand six hundred and eighty feet; thence north eighteen degrees fifteen minutes, west three thousand eight hundred and sixty-three feet; thence north twenty-seven degrees forty-five minutes, east four thousand and twenty feet; thence north seventy-one degrees forty-five minutes, east five hundred and twenty feet, to the place of beginning; and the authorities of said town shall have the same control, power, and jurisdiction over the territory included in this boundary that they have heretofore been granted over the territory embraced in the old town limits.

Lands not to be taxed until laid off in lots and improved.

§ 2. No lands within said boundary, taken in by this extension, shall be subject to a town tax, unless the same be laid off into town or building lots, or shall be improved with buildings thereon; but the residences, yard, and garden thereto attached, of all persons included in said boundary, shall be subject to taxation: *Provided*, That if said residences, yards, and gardens contain more than one acre, and are attached to, and form a part of a farm of the owner or owners, then not more than one acre, including the residence, shall be subject to town tax.

Said lands not to be subject to tax for improving streets, &c., until laid off in lots.

§ 3. That none of the owners of lands included within this extension shall be subjected to taxation for improving streets, sidewalks, and other improvements until their lands shall be divided and laid off into lots, streets, &c., for sale by such owners.

Not to be taxed for old debts.

§ 4. That none of the persons included within this extension, nor their property, shall be subject to taxation to aid, in whole or in part, in payment of the debts heretofore contracted, and now owing by said town of Mt. Sterling, or the trustees and board of managers for said town of Mt. Sterling.

§ 5. This act shall take effect from and after its passage.

Approved March 22, 1873.

CHAPTER 526.

AN ACT to incorporate the "Miners' Union" of Boyd and Carter counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators' names.

Name and style.

§ 1. That Caleb C. Symons, Philip H. Howe, James C. Deaton, Jacob Santrock, and John A. Santrock, and their associates and successors forever, be, and they are hereby, constituted a body-politic and corporate, by the name and style of the Miners' Union, in Boyd and Carter counties, Kentucky, and by that name shall have perpetual succession; and are empowered to receive, by gift, grant, pur-

chase, or devise, such real estate or personal property as may be necessary for the proper enjoyment of their corporate rights as a benevolent society, not exceeding twenty thousand dollars in value, and to sell, exchange, transfer, and assign the same at pleasure ; and to form and adopt a constitution and by-laws for the government of said society, not inconsistent with the laws and constitution of this State and of the United States.

1873.

Corporate powers.

§ 2. That said society may, at such time as may be determined by the by-laws thereof, elect a president, secretary, and treasurer, and such other officers as they may think fit to elect or appoint.

When officers to be elected.

§ 3. That said society may sue and be sued by its corporate name, and may have and use a common seal ; and in all suits against the society, service of process upon the president, or, in his absence, on the secretary or treasurer, shall be sufficient.

Upon whom process may be served.

§ 4. The qualifications for membership of said society shall be such as may be prescribed by its constitution and by-laws ; and the net profits of the business and operations of said society shall be for the mutual aiding and assisting of the members and their families, when in sickness, trouble or distress, by pecuniary and such other means as are usually resorted to by benevolent associations in this country.

Qualifications of members.

§ 5. This act shall take effect from its passage.

Approved March 22, 1873.

CHAPTER 527.

AN ACT to repeal an act, entitled "An act to change the lines between the counties of Letcher and Harlan."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to change the lines between the counties of Letcher and Harlan, be, and the same are hereby, repealed.

§ 2. This act shall be in force from its passage.

Approved March 22, 1873.

CHAPTER 528.

AN ACT to prohibit the sale of spirituous, vinous, or malt liquors within one mile of Mt. Zion Church, Clark county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any person to sell

1873. spirituous, vinous, or malt liquors within one mile of Mt Zion Church, Clark county, Kentucky.
- § 2. Any person violating the provisions of this act shall, upon conviction thereof, be fined in a sum not less than fifty nor more than five hundred dollars.
- § 3. This act shall take effect from its passage.

Approved March 22, 1873.

CHAPTER 529.

AN ACT to amend an act, entitled "An act to incorporate the trustees of the Lancaster Presbyterian Church."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the present ruling elders, to-wit: Wm. H. Kinnaird, W. J. Landram, and W. H. Wherritt, known as the session of said church, and their successors in office, together with such of the present board of trustees as are alive and in office, shall be, and they are hereby, constituted a body-politic and corporate, to be known by the name of the "Trustees of the Lancaster Presbyterian Church;" and by that name, and in that manner, shall have perpetual succession, and a common seal; and by that name and style may sue and be sued, implead and be impleaded, in any court of law and equity in this Commonwealth.

Corporators' names.

Name and style.

Corporate powers.

§ 2. This act shall take effect from its passage.

Approved March 22, 1873.

CHAPTER 530.

AN ACT for the benefit of John M. Hunley, committee of Henry Yarbrow, an idiot.

WHEREAS, It appears that the committee of Henry Yarbrow, heretofore found to be an idiot, failed to report to the circuit court of Hickman county as the law directs, from the 5th September, 1870, to the 21st June, 1872, and by reason of which failure no money has been drawn from the Treasury for the maintenance of said idiot; and whereas, it appears that said idiot is still alive and in the same condition as to mind and property and means of support; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Auditor be, and he is hereby, instructed to draw his warrant upon the Treasury in favor of John M.

Hunley, committee of Henry Yarbrow, an idiot of Hickman county, for the sum of eighty-nine dollars and fifty cents.

1873.

§ 2. This act shall take effect from its passage.

Approved March 22, 1873.

CHAPTER 531.

AN ACT in relation to the assessment and collection of turnpike taxes in Lewis county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all tax-payers liable to taxation on any turnpike road in Lewis county shall have the right, on or before November first of each year, to pay their taxes to the treasurer of the company; and if not paid on or before that day, the same shall be listed with the sheriff for collection, and the sheriff shall collect said tax, and ten per cent. in addition, which ten per cent. shall be retained by the sheriff in full for his fees for collecting.

§ 2. The turnpike companies of said county shall have the right to appoint their own assessors, and allow them not exceeding ten cents for each list returned, to be paid out of the taxes collected.

§ 3. This act shall take effect from its passage.

Approved March 22, 1873.

CHAPTER 532.

AN ACT in relation to granting tavern license in the Vanceburg election precinct, in Lewis county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter the Lewis county court shall not grant a license to a tavern-keeper to sell spirituous liquors by the small, in the Vanceburg election precinct, in said county, outside of the limits of the city of Vanceburg, until said tavern-keeper shall have paid to the trustees of the Vanceburg Male and Female Academy the sum of not less than fifty (\$50) nor more than one hundred dollars (\$100), the amount to be fixed by said trustees, and shall produce in court the receipt of the trustees for the amount so paid; and which money the said trustees shall use in erecting the building for the school-house and male and female academy; and when the same shall be paid for, then the money so collected shall be used in teaching the free school in said male and female academy.

1873. § 2. This act shall take effect from and after its passage.

Approved March 22, 1873.

CHAPTER 534.

AN ACT to incorporate the town of College Hill, in Madison county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Boundary.

§ 1. That the town of College Hill, in Madison county, be, and the same is hereby, declared an incorporated town, and its corporate limits shall be bounded as follows: Beginning at R. H. Elkin's residence; thence running so as to include the residence of Younger Norris; thence to the Big Hill road; thence with said road to J. S. Grigg's line, corner to C. F. Butler; thence with said line, excluding all the property of C. F. Butler, to Woodson Lewis' corner of town lot; thence with his line to J. S. Paden's corner of town lot; thence with his line to J. S. Grigg's line; thence with his line to J. J. Johnston's line; thence with his line to H. P. Young's line; thence to Dr. Hines' line; thence with his line to L. D. Parker's line; thence on a line, so as to include P. F. Adams' residence, to the Big Hill road; thence crossing same so as to include house of Woodson Lewis, now occupied by R. Wood; thence running so as to include the residence of Dr. Ayers; thence, including R. H. Elkins' residence, to the beginning.

Trustees—term of office and powers.

§ 2. That all the financial and municipal affairs of said town shall be vested in three trustees, who shall be elected annually by the qualified voters residing in said town; and no person shall be eligible to the office of trustee, or any other office provided for in this act, unless he shall be a bona fide resident of said town, and at least twenty-one years of age. The trustees shall hold their offices until their successors are elected and qualify, and shall have power to fill vacancies in their own body occurring by reason of death, removal, or resignation; and a majority of said trustees shall be a quorum to do business.

When trustees to be elected.

Police judge and marshal—when elected, and term of office.

County judge to appoint officers of election, and their powers and duties.

§ 3. The first election of trustees shall take place on the first Saturday in May, 1873, of which ten days' notice shall be given, in writing, by posters set up in six of the most public places in said town, at which time there shall also be elected a police judge and a marshal of said town; and the police judge shall hold his office for two years, and the marshal shall be elected for one year. It shall be the duty of the county judge of Madison county to appoint two judges and a clerk to hold said election, and to designate a place in said town at which said election shall be held.

The sheriff of Madison county, or his deputy, shall act as sheriff of said election, and said officers shall have the same powers as judges, sheriffs, and clerks of election have under the general laws of the State; and in addition, the right to certify to the Governor of Kentucky the name of the candidate who has received the highest number of votes for police judge, and to issue a certificate of election to the candidate for marshal who has received the highest number of votes, which certificate shall be conclusive and confer on the person named the right to hold and perform the duties of the office of marshal of College Hill. In all subsequent elections for officers of said town, the board of trustees shall designate the place and the manner and the officers to hold said election.

1873.

§ 4. The said trustees, and their successors, shall be a body-corporate, with all the powers conferred by the laws of this Commonwealth on bodies-corporate of like character; may have and use a common seal or scroll, and alter the same at pleasure; and shall be known by the name and style of the board of trustees of the town of College Hill.

Corporate powers.

Name and style.

§ 5. The said board shall elect one of their number chairman, who shall preside over the meetings of the trustees of said town; and the election for officers of said town, excepting police judge, shall take place annually, on the first Saturday in May. The police judge of said town shall be elected biennially, on the same day the trustees are elected.

Duties of trustees.

§ 6. The police judge and marshal shall qualify and give bond; and the police judge shall have the same jurisdiction in civil cases that a justice of the peace has, and the same power and jurisdiction in criminal cases as is given by general law to such officers.

Police judge to take oath & give bond, and his jurisdiction.

§ 7. The marshal shall give bond in the sum of one thousand dollars for the faithful performance of his duties, and he shall see that the ordinances and by-laws of the town are carried into execution; and he shall collect all taxes imposed by the trustees, and all fines or forfeitures that may be made, and he shall pay the same into the treasury of said town, to be used by the trustees for the public welfare of said town; and the trustees of said town may allow said marshal such compensation for his services as they think right and proper.

Marshal to give bond, and his duties.

§ 8. The board of trustees shall have power to enact all necessary by-laws and ordinances for the government of said town, and for the security of peace and good order therein, and for the preservation of the comfort and health of the people thereof: *Provided*, The same shall not be inconsistent with the Constitution or laws of Kentucky or of the United States.

Trustees may make by-laws, &c

- 1873.** § 9. The board of trustees shall possess no power to
 May levy taxes. levy and collect taxes, except as herein provided; they
 shall have power to levy, annually, an ad valorem tax
 upon all the property in said town liable to taxation for
 State revenue, of not exceeding twenty-five cents on each
 one hundred dollars' worth of property, and a poll tax of
 one dollar on each male person over twenty-one years of
 age; but nothing in this act shall be construed to author-
 ize the levy or collection of any tax whatever upon any
 of the property in said town owned by the Methodist
 Episcopal Church, South.
- § 10. The trustees shall have power to tax circuses,
 May tax shows, theatrical performances, and pay exhibitions, excepting
 &c. school exhibitions, to an amount not exceeding fifty dol-
 lars for each.
- § 11. No fine of more than twenty-five dollars shall be
 Penalty for vio- assessed for the infraction of any by-law or ordinance of
 lations of laws of the town, and all such fines shall be recoverable in the
 town. name of the Commonwealth, for the use and benefit of
 the said town.
- § 12. The trustees shall have power to appoint an assess-
 Trustees to ap- or and collector annually, who, after qualifying and giving
 point assessor and bond, shall make out a true list of the taxable property of
 collector, & their each person in the town liable to taxation, which shall be
 duties. given to him by the tax-payer under oath, to be adminis-
 tered by the assessor.
- § 13. All warrants issued by the police judge for infrac-
 Warrants to be tion of the State laws may be directed to the marshal, or
 directed to mar- to any sheriff, jailer, coroner, police officer, or constable of
 shal. this Commonwealth; but warrants for the infraction of
 the by-laws or ordinances of the town shall be directed to
 and executed by the marshal or any constable of Madison
 county.
- § 14. In the collection of taxes, fines, &c., the marshal
 or collector shall be amenable to the same penalties,
 rules and regulations, imposed by law on sheriffs in sim-
 ilar cases.
- § 15. In all matters not inconsistent with this act, the
 general law of this State relating to "towns" shall apply
 to the said town of College Hill.
- § 16. This act shall take effect from its passage.
- [Became a law without the Governor's signature, March 22, 1873.]

CHAPTER 535.

1873.

AN ACT to incorporate the Maysville Coal, Salt, and Transfer Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That R. D. Barr, A. M. January, Wm. Hall, W. C. Ireland, and J. F. Barbour, or any two or more of them, and their associates, are hereby created a body-politic and corporate, under the name and style of the "Maysville Coal, Salt, and Transfer Company;" and by that name shall have perpetual succession; and may contract and be contracted with, sue and be sued, implead and be impleaded, in all courts and places; have a common seal, and alter the same at pleasure; and may make all necessary by-laws and regulations for the government of said company, not inconsistent with the laws and Constitution of the State of Kentucky or of the United States.

Corporators' names.

Name and style.

Corporate powers.

§ 2. The capital stock of said company shall be fifty thousand dollars, but may be increased, from time to time, by a vote of a majority in interest of the stockholders, to any sum not exceeding three hundred thousand dollars. The shares shall be one hundred dollars; and when two hundred and twenty-five shares shall have been subscribed to the capital stock, the stockholders may organize the company by the election of five directors, one of whom may be chosen president, and commence business; the management of the affairs of said company shall be under the control of said president and directors.

Capital stock.

§ 3. The business of said company may be prosecuted at any point within the State of Kentucky, or out of said State; but the principal place of business shall be located at the city of Maysville. The said company may purchase, have, enjoy, and retain to itself all such lands, mines, goods, chattels, and effects, as may be necessary and convenient for the mining of coal, as well as for the purchase, storing, and transportation thereof; may purchase, store, and sell salt; may receive, store, and transfer all kinds of freights and merchandise. The company may own such steamboats, flat-boats, barges, and other boats, engines and cars, as may be necessary for the prosecution of the business of the company; and may build such railroads or branches as may be necessary for the purpose of transportation of coal from the mines of the company to any navigable river within this State, or to connect with any railroad now built, or that may be hereafter built; and such railroads as may be necessary for the convenient transfer of coal, salt, or merchandise from their landing or warehouses to the railway of the Maysville and Lexington Railroad Company, Northern Division, and may

Object and business of company.

1873. connect with the road of said company. The right of way for such roads may be obtained by voluntary agreement with the owners of the land over which such roads may pass; but if the right of way, and materials necessary for the construction, cannot be had by contract with the owners, then the company may have the same condemned by writ of *ad quod damnum*, as provided by statute for the condemnation for turnpike and plank roads, chapter 103, title "Turnpike and Plank Roads."

May condemn
right of way by
writ.

Additional pow-
ers.

§ 4. The company may buy, build, or erect houses, sheds, and all kinds of machinery; buy coal, coal lands, and coal reservations; also, salt, or real and personal property, for carrying on its business; and may dispose of their property, of any character, by sale or otherwise; may receive and transfer all kinds of goods, wares, merchandise, and all kinds of materials or live stock. The company may receive real or personal property in payment of such part of the subscription to the capital stock as it may deem advisable, at such prices as the parties interested may agree.

May borrow
money and secure
same by mort-
gage.

§ 5. It shall be lawful for the company, through its president and directors, from time to time, to borrow or obtain on loans such sum or sums of money, and on such terms, as they may deem expedient, and to pledge, by mortgage or deed of trust, all or any part of the estates, improvements, effects, privileges, franchises, and assets whatsoever, of said company, for the repayment of such loans, or of any indebtedness.

Stock to be per-
sonal property.

§ 6. The stock of said company shall be deemed personal estate, and may be transferred upon the books of the company in the manner provided by the by-laws; but no such transfer shall be made by a stockholder without the consent of the directors, until his stock shall be paid in full. Books for the subscription of stock may be opened at any time or place and closed again at pleasure; but the stock at no time shall exceed the maximum amount hereinbefore named.

Directors to
require bond of
officers.

§ 7. The president and directors are authorized to require bond, with surety in an adequate amount, from the treasurer or any other agent or officer of the company, conditioned for the faithful performance of his duties. For a failure of any stockholder to pay up his subscriptions of stock, or any call thereon, the share or shares of such stockholder may be forfeited, together with payments before made, to the use of the company, by the president and directors, after notice of the call to the stockholders and his failure to pay the same within thirty days after such notice; or they may sue for and recover the same; and in any such suit the stockholders shall not be permitted to rely on, as a defence, a want of proper organization of the company; nor shall any one contracting with

the corporation, as such, be allowed to rely on any such defence; nor shall the corporation be so allowed, in any suit by or against it, nor in any suit by the corporation for injury to any of its property or rights, or to enforce any contract, shall a want of proper organization be relied on as a defence; but the same may be put in issue by a direct proceeding for that purpose.

§ 8. This act shall take effect from its passage.

Approved March 25, 1873.

1873.

CHAPTER 536.

AN ACT to incorporate the board of trustees of the Kentucky Annual Conference of the Methodist Episcopal Church.

WHEREAS, Information has been given to the Kentucky Annual Conference of the Methodist Episcopal Church that a thousand dollars, more or less, has been bequeathed to said conference for the benefit of its members; and whereas, there is no one who in law is authorized to receive the same; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That D. Stevenson, H. D. Rice, J. S. Chadwick, H. C. Northcott, and J. G. Bruce, and their successors in office, be, and they are hereby, constituted a body-politic and corporate, under the name and style of the Trustees of the Kentucky Annual Conference of the Methodist Episcopal Church, with the right and power of receiving, holding, investing, using or disposing of such moneys, lands, stocks, or other kinds of property, as may be bequeathed, given, or otherwise conveyed to the said Kentucky Annual Conference, or to the said board of trustees, for the benefit of said conference: *Provided*, That the said board shall not act contrary to the wishes of the said conference in investing, using, or disposing of such property or properties.

§ 2. That this board shall always be composed of members in good standing of the said Kentucky Annual Conference; that the number of the members of the board may be changed, from time to time, at the pleasure of the conference: *Provided*, That it shall never be less than three nor more than nine; that the members hereafter to be elected shall be elected by the conference: *Provided*, That it shall be competent for the board, at any meeting thereof regularly held, when conference is not in session, to fill any vacancy or vacancies that may have occurred by death, resignation, or removal from the conference;

Corporators' names.

Name and style.

Corporate powers.

Qualifications of trustees.

How vacancies to be filled.

1873. that the conference may, nevertheless, at any time, declare the place of any member vacant, and proceed to fill it.

Board to have powers of natural person.

§ 3. That the board shall have power to sue and be sued, and to do all other acts necessary or proper to the accomplishment of the object had in view in the incorporation of the same.

Board to appoint officers, &c.

§ 4. That the board shall have the right to elect such officers and agents, and to confer upon them such powers, as shall be deemed necessary to transact the legitimate business of the board.

Meetings.

§ 5. That the first meeting of the board shall be held at such time and place as shall be indicated by the member whose name stands first in the list; and that succeeding meetings of the board shall be held at such times and places as shall be determined by the board: *Provided*, That a meeting shall be held at any time, upon the call of the president or of any two members of the board; such notice having been given as the board shall have previously determined shall be sufficient.

Board to keep record.

§ 6. That a full, fair, and true record of the acts and doings of the board shall be kept, and that a full, true, and accurate report of the same shall be made to the said Kentucky Annual Conference at each of its annual sessions.

Property exempted from taxation.

§ 7. That all the property and estate, real and personal, held by the board, under this act, shall be free and exempt from taxation, whether the same be for State, county, or corporation purposes: *Provided*, That the board shall at no time hold more than one hundred thousand dollars.

§ 8. That this act shall take effect from its passage.

Approved March 25, 1873.

CHAPTER 537.

AN ACT for the benefit of the Louisville Industrial Exposition, and to amend the charter thereof.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in addition to the powers, rights, and privileges now possessed by the Louisville Industrial Exposition, they shall possess the following powers:

May acquire real estate and dispose of same.

1. To acquire, own, hold, improve, and lease any such real estate as shall be deemed expedient by the board of directors of this corporation, and to make any contract pertaining thereto which it would be lawful for any individual to make.

2. To issue coupon bonds, and secure the same by a

deed of trust or mortgage upon any or all of the property of the corporation. 1873.

3. To buy in and cancel the stock of said corporation, and to reissue the same.

§ 2. The eighth article of the original articles of incorporation shall be amended so as to read as follows, to-wit: "The highest amount of indebtedness, direct or contingent, to which the corporation shall subject itself at any one time, shall not exceed an amount equal to the paid up capital stock of the corporation." Amount of debt restricted.

§ 3. The next general meeting of the stockholders of this corporation shall be held on the second Tuesday in January, 1874, and on the second Tuesday in January of each year thereafter, and at such other times as the board of directors may direct, by by-laws or otherwise. The present directors shall hold over until the said second Tuesday of January, 1874, or until their successors are elected and qualified.

§ 4. This act shall take effect from its passage.

Approved March 25, 1873.

CHAPTER 538.

AN ACT to amend the charter and amendments thereto incorporating the town of Crab Orchard.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in all cases of breaches of the peace, riots, routs, unlawful assemblies, disturbances of the peace, and all other violations of the town ordinances of Crab Orchard, in which a jury is by law required, six jurors, having legal qualifications, shall be, and are hereby, constituted a legal number to try all such cases arising within the limits of said town. Number of jury-men in certain cases.

§ 2. That the trustees of said town have no power or authority to levy a tax on farming lands within the new boundary of said town: *Provided*, They may levy a tax for corporate purposes on all dwelling-houses, with one acre of land attached thereto, situated within the new limits of said town: *And provided further*, That the trustees have authority, by this act, to tax all the lots laid off for building purposes within the present limits. Shall not tax farm lands recently added to town.

§ 3. That the police judge of said town is, by this act, authorized to hold his court on the first Saturday in each month, and continue the same until the business on the docket of his court is disposed of. When police court to be held.

§ 4. That the clerk of the board of trustees of said town is authorized to act as clerk of the police court of said town, and do all clerical business pertaining to said of- Clerk of town to be clerk of police court in certain cases.

1873. fice: *Provided, however*, That said clerk shall act only in the absence of the police judge, or protracted sickness of said judge: *Provided*, Said clerk, before he enters upon the duties of his office, shall take the oath required to be taken by county clerks; and all the provisions enacted and imposed on clerks of county judges shall be applicable to said clerk.

§ 5. This act to take effect from its passage.

Approved March 25, 1873.

CHAPTER 539.

AN ACT for the benefit of the Keys Creek Mining and Manufacturing Company, and to reincorporate the same under the name of the "Howland Coal and Iron Works."

WHEREAS, Chas. H. Howland, Samuel K. Schwenk, J. E. Saunders, D. E. Small, Geo. W. Gallup, and James A. Andrews, have been incorporated in the county of Boyd, under the general law of this State for the organization of incorporated companies other than banking, insurance, and railroad companies, under the corporate name of the Keys Creek Mining and Manufacturing Company; and whereas, said company desires further charter privileges than those granted by the general law; and whereas, the persons incorporated herein are the same who are incorporated in the Keys Creek Mining and Manufacturing Company; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

<p>Corporators' names.</p> <p>Name and style.</p> <p>Business.</p> <p>Object.</p>	<p>§ 1. That Chas. H. Howland, Samuel K. Schwenk, John E. Saunders, D. E. Small, Geo. W. Gallup, and James A. Andrews, their associates and assigns, be, and they are hereby, constituted a body-politic, by the name and style of "The Howland Coal and Iron Works," with perpetual succession; and by that name and style they are empowered to contract and to be contracted with; to have, enjoy, and retain, to themselves and their successors, lands, tenements, hereditaments, goods, chattels, and effects, as may be necessary and convenient for the working of coal, building blast furnaces, machine shops, rolling mills, nail factories, and any works for the manufacture of wood, clay, or iron; for the building of boats, and for all other power and privileges granted to any other like corporation in this Commonwealth for said purposes.</p> <p>§ 2. They may build and construct all railroads on and from their lands in Boyd county, which they may now own or may hereafter acquire, to the Ohio river, for the purpose of transporting their minerals and other natural products, and for transporting all articles manufactured</p>
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by them thereon: *Provided*, That they first obtain rights of way over the lands.

1873.

§ 3. That [the] President and directors, or their authorized agents, may agree with the owners of any lands, earth, stone, timber, or other materials which may be wanted for the construction or repair of said road, or any of their works, for the purchase in fee-simple, or the use and occupation of the same; and if they cannot agree, or if the owner or owners, or any of them, be a *feme covert*, under age, *non compos mentis*, or out of the county, or non-residents, then the condemnation shall be as provided for in chapter 104, Revised Statutes, entitled, "Turnpike and Plank Roads."

May acquire right of way, &c., by writ of condemnation.

§ 4. The said company may sue and be sued, plead and be impleaded, defend and be defended, in all courts of competent jurisdiction in this Commonwealth; they may have a common seal and alter the same at pleasure; they shall have power to ordain, establish, and put in execution all such by-laws, ordinances, and regulations as shall be necessary and convenient for the government of said corporation, not inconsistent with the laws of the United States or of this State.

Corporate powers.

§ 5. The capital stock of said company shall be one million dollars, which shall be divided into shares of one hundred dollars each, with power in said company to reduce said shares to fifty dollars each, and, by a vote of the majority of the stockholders, the capital stock of said company may be increased to three million dollars.

Capital stock.

§ 6. The said company may buy, build, and own boats for the transportation of coal, iron ore, and other mineral or materials, or the manufactured products thereof, and for purposes necessary or convenient for the carrying on of their business, and may dispose of their property of any kind by sale or otherwise; they may receive real estate in payment of such part of the subscription to the capital stock as they may deem advisable; and shall have the right to hold, either by purchase or otherwise, such real estate as they may deem necessary for the successful prosecution of their business. For conducting the affairs of said company, a board of not less than five nor more than thirteen directors shall be chosen by the stockholders annually, who shall serve until their successors are qualified, one of whom shall be chosen president. The president and directors shall have power to appoint all agents, officers, and servants under them, and to remove them at pleasure. In all elections and proceedings of the stockholders, each share of stock shall entitle the holder to one vote, and stockholders may vote in person or by proxy. The stock of said company shall be deemed personal estate, and may be transferred on the books of the com-

Additional powers of corporation.

1873. pany, after such shares shall have been fully paid up, under such rules and regulations as said company may prescribe. The first meeting of the stockholders, for the election of the directors, shall be advertised in some newspaper printed in this Commonwealth. The directors shall be authorized to take and require bond and security, with an adequate penalty with proper conditions, from the treasurer, or any other agent or officer of said company.

Upon failure to pay for stock, same may be forfeited.

§ 7. The board of directors shall be authorized that, for a failure to pay up the stock by any stockholder, the share or shares of such stockholder may be forfeited by the board of directors after ninety days' notice to such stockholder, or publication of notice thereof in some paper published in Boyd county for twelve successive weeks of their purpose to do the same, or they may sue and recover the same in the name of the corporation.

May open books of subscription.

Books for the subscription of stock may be opened at any time and place, and under such rules or regulations as the directors may prescribe: *Provided, however,* That the books shall, at all times, be open to the inspection of the stockholders.

May borrow money and secure same by mortgage.

§ 8. It shall be lawful for the president and board of directors, from time to time, to borrow or obtain loans of such sums of money, on such terms as they may deem expedient and necessary for the good of the company, and may pledge or mortgage all, or any part of the estate, improvements, privileges, assets, and effects whatsoever, of the said company, for the repayment of said loans, or of any indebtedness of the company, and may issue bonds therefor.

§ 9. The said company may run its railroads across, or pass along any highway or water-course: *Provided,* Such highway is not obstructed thereby, or the navigation of any such water-course is in no way obstructed by the construction and running of such railroad. The principal office [of] this company shall be in this Commonwealth.

§ 10. The said Keys Creek Mining and Manufacturing Company may, by an order of its president and board of directors, merge their corporate existence under the general law of this State into this corporation, and all their rights and privileges, liabilities and obligations, shall exist under this act; and upon such order being made, their power and privileges to act under the general law shall cease.

§ 11. This act shall take effect from and after its passage.

Approved March 25, 1873.

CHAPTER 540.

1873.

AN ACT to amend the charter of the Big Sandy Valley Railroad Company.

WHEREAS, An act, entitled "An act to charter the Big Sandy Valley Railroad Company," was approved March 10th, 1854, and an amendment to said act was approved January 27th, 1865; and whereas, under said act and amendment James H. Laws, Hugh Colville, E. Hulbert, S. B. Shaw, Jos. P. Shaw, C. H. Howland, Samuel K. Schwenck, James M. Pendleton, S. M. Ferguson, O. A. Campbell, Geo. H. Rea, and D. E. Small, did, on the 14th day of October, 1872, and the 14th day of November, 1872, subscribe for two thousand and thirty (2,030) shares of the capital stock of the said Big Sandy Valley Railroad Company, and pay thereon one dollar per share at the time of subscription, as provided for in the act of incorporation, and have, since such subscription, surveyed one hundred miles of their line of road, and entered into contracts for construction and material, involving an outlay of near fifty thousand dollars, and said parties are actively engaged in constructing said road; and whereas, there is a diversity of opinion as to the terms, time, and payment of future subscriptions, whether to said commissioners or to the board of directors, and it is just and desirable that the said act should be changed and the power to control the affairs of the company lodged in the board of directors; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the amendment to an act, entitled "An act to charter the Big Sandy Valley Railroad Company," approved January 27th, 1865, naming L. T. Moore and sundry associates commissioners of the said company, is hereby repealed, and James H. Laws and O. A. Campbell, of Ohio, Hugh Colville, of Kentucky, E. Hulbert, of Georgia, S. K. Schwenck and D. E. Small, of Pennsylvania, and C. H. Howland, of Missouri, directors of said Big Sandy Valley Railroad Company, and their associates named in the preamble to this act, subscribers to the capital stock, their successors and assigns, are hereby created a body-politic and corporate, under the name and style of the Big Sandy Valley Railroad Company, with all the powers and privileges, and subject to all the restrictions, contained in the act creating the "Big Sandy Valley Railroad Company," approved March 10th, 1854.

§ 2. That all surveys made by James H. Laws and associates, and all contracts made by them, or agreements entered into with them, under the name and style of the "Big Sandy Valley Railroad Company," or that may be made by them prior to the approval of this act, shall be as valid and binding upon this corporation and the parties

Corporators' names.

Name and style.

Certain surveys, contracts, &c., legalized.

1873. with whom made or in interest as upon the said Big Sandy Valley Railroad Company.

§ 3. That section two of the charter of this company, approved March 10th, 1854, be amended by striking out the word "fifty," being the seventeenth word of the section, and substituting therefor the words "one hundred."

§ 4. That section three of the act approved March 10th, 1854, be amended by striking out after the word "Kentucky," being the seventy-ninth word of the section, the following, to-wit: "Nor shall more than fifty per cent. of such stock be required of any subscriber in the same year."

§ 5. That section ten of the act approved March 10th, 1854, be amended by striking out the word "five," being the ninth word of the section, and substituting therefor the word "three."

May erect telegraph. § 6. Said company shall have power to erect, maintain, and operate a line of telegraph along any portion or the entire distance of their road.

§ 7. That section ten be so amended as to allow said company to charge, for the transportation of persons and property, a sum or rate not exceeding that charged by other railroads in this State.

§ 8. That so much of the charters of the Louisville and Covington Railroad Company and Louisville and Nashville Railroad Company, and amendments thereto, as was made a part of this charter, providing for the issue of bonds by counties in aid of this road, be altered and amended, in as far as it applies to this road, by striking out the word "shall" wherever it is made mandatory upon the county court to order an election, and substituting therefor the word "may."

Towns may subscribe stock upon submission of question to people. § 9. The board of trustees of any town, through which said Big Sandy Valley Railroad Company may wish to build its line of railway, are authorized to subscribe to the capital stock of said company not exceeding in amount the sum of twenty-five thousand dollars; and the said trustees, upon giving twenty days' notice of the time of an election herein provided for, are authorized and empowered, for and on behalf of said town, to submit to the qualified voters thereof the question: "Shall the town of — contract a debt of — thousand dollars to purchase the right of way for the Big Sandy Valley Railroad Company through the town?" and if a majority of those voting shall vote in the affirmative, then the board of trustees shall be empowered and required to contract a debt for the purpose of obtaining such rights of way, and issue the bonds or notes of said town not exceeding the amount authorized at the election, and payable not more than twenty years after date, and bearing interest not exceeding eight per cent. per annum, payable semi-annually, with

Trustees to issue bonds to pay subscription.

the proceeds of which the debt aforesaid shall be discharged; and they shall provide, by tax upon the value of all property in said town subject to taxation for State revenue or municipal purposes, for the payment of the principal and interest upon said bonds. The tax herein provided for shall be levied and collected in like manner as other taxes are collected in said towns for municipal purposes; and the collecting officers shall be entitled to like compensation, and subject to like penalties and amercements for neglect of duty, as sheriffs for failure to collect and pay the revenue of the State. The election provided for in this section may be ordered by the county judge, upon the application of the president or directors of said company, and shall be held and conducted in the manner prescribed by law for the election of representatives to the General Assembly. Bonds or notes issued by towns under the provisions of this act shall bear no greater rate of interest than the bonds of counties voting aid to this company, neither of which shall exceed eight per cent. per annum.

§ 10. The provisions of the act of 14th February, 1856, shall apply to the original and amended charters of this company.

§ 11. That section eight of the act of March 10, 1854, be amended as follows: Strike out all of said section after the word "necessary," and beginning with the words "they, their agents," &c., in the tenth line, and insert in lieu thereof the following, to-wit: Whenever it shall be necessary for said company to have, use, or occupy any land, material, or other property, in order to the construction of said road, or repairing the same, or the construction or repairing of their necessary works or buildings, it shall be lawful for the president, directors, or their agents, to take possession of said land or other property, after the verdict of a jury has been rendered, and after payment has made to the owners of the said land or material, in accordance with said verdict: *Provided*, That whenever the president and directors, or their agent, cannot agree with the owner or owners, or if the owner or owners, or any of them, be a *feme covert*, under age, *non compos mentis*, or out of the county in which the property may be, application may be made to any justice of the peace of said county, who shall thereupon issue his warrant, directed to the sheriff or any constable of said county, requiring him to summon twenty discreet men, not related to the owner, nor in any way interested, to meet on the land or near the property or materials to be valued, on a day named in said warrant, not less than ten nor more than twenty days after the issuing of the same; and if, at the time and place, any of the said jurors do not attend,

1873.

To levy tax to pay bonds.

Fees and duties of collecting officers.

May condemn lands, &c., by writ.

Proceedings under writ.

1873.

said sheriff or constable shall forthwith summon as many jurors as may be necessary, with the jurors in attendance, and from them each party, if present, or if not present, by agent or otherwise, the sheriff or constable, for the party absent, may strike off four jurors, and the remaining twelve shall act as the jury of inquest of damages. The sheriff or constable may adjourn the jury from day to day, and if they cannot agree upon a verdict, it shall be his duty to discharge them and summon another to meet as soon as convenient. Before the jury acts, the sheriff or constable shall administer to them an oath or affirmation, that they will justly and impartially fix the damages which the owner or owners will sustain by the use and occupation of said property required by said company. The jury shall reduce their verdict to writing and sign the same, and it shall be returned by the sheriff or constable to the clerk of the circuit court of the county, and such clerk shall receive and file it in his office, and such verdict shall be confirmed by the circuit court at its next regular term, if no sufficient reason is shown by either party for setting it aside, and when so confirmed, it shall be recorded by the clerk, at the expense of said company; but if set aside, the court shall direct another inquisition to be held by the sheriff of the county, in the manner above prescribed: *Provided*, That the company may proceed to construct their said road or other improvement, as soon as the first verdict of the jury shall be returned, whether the same be set aside and a new jury ordered or not, and every inquisition shall describe the property, or the bounds of the land condemned, and the duration of interest in the same valued for the company; and such valuation, when tendered or paid to the owner or owners of said property, or to the sheriff of the county in which said inquest is held, when the owner or owners do not reside in such county, shall entitle said company to the use or interest in the same thus valued, as fully as if it had been conveyed to it by the owner or owners of the same. If the person or persons in possession of the land shall hold an estate for years or for life therein, it shall be the duty of the jury to find the aggregate amount of damages, and the circuit court of the county shall apportion the damages, found by them to be due, between the owner of the estate for years or for life and the person or persons holding the remainder or reversion therein. If the person in possession of the land, or the owner thereof, upon a tender being made of the amount of damages fixed by the jury, or by the circuit court, in case an appeal is taken, shall refuse to receive the same, it shall be lawful for the company to deposit the same with the sheriff of the county in which the inquisition is had; the

said sheriff shall previously execute bond with security, in the county court of said county, to pay it to such person or persons entitled thereto whenever they may demand the same. If the person in possession of the land be not the owner of it, before he shall be entitled to receive the damages assessed by the jury, he shall execute bond, with good security to the said company, that he will faithfully pay over to the owner of the land the money so received by him; and in case he fails or refuses, upon demand of the company, to execute the bond, it shall be lawful for the company, or its agents, to deposit the money with the sheriff, in the manner hereinbefore provided, upon the execution of a similar bond by him. If the land be vacant, or the owner live out of the county or State, or be unknown, upon the rendition of the verdict of the jury, a deposit of the amount fixed thereby with the sheriff of the county, shall authorize an entry by the company upon the land: *Provided*, The sheriff first executes bond as hereinbefore provided. Where it is ascertained that the person in possession holds an estate for years or for life, and the remainder or reversion is in another or others, a payment to him of the aggregate amount fixed by the jury shall be sufficient, and the company shall have the right to demand from him a bond, with security, that he will pay to the remainderman or reversioner the amount to be adjudged to him by the circuit court; and if he refuse to execute said bond, the company may deposit the amount with the sheriff, who shall execute bond as above directed, and then the company may enter and take possession of the land: *Provided*, That land condemned for road-way shall not be more than one hundred feet wide, unless said company shall file the affidavit of some one of its engineers, stating that a greater width is necessary and how much more is required, when the inquisition shall be for the quantity thus stated.

§ 12. This act shall take effect when the president and board of directors, and those owning a majority of the stock of said company, shall, at a regular meeting of said board, authorize and require the secretary of said company to file, in the office of the Secretary of State, a written acceptance, upon the part of the company, of the provisions of this act within ninety days from its passage.

Approved March 27, 1873.

1873.

1873.

CHAPTER 541.

AN ACT to incorporate the Maysville Manufacturing Association.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That R. Albert, A. M. January, Newton Cooper, G. W. Blatterman, R. A. Cochran, J. J. Wood, Wm. Hunt, Thomas Wells, J. J. Mullins, John N. Thomas, Henry C. Barkley, and W. S. Frank, and their associates and successors, are hereby created a body-politic and corporate, under the name and style of the Maysville Manufacturing Association; and under that name shall have perpetual succession, with power to contract and be contracted with, sue and be sued, plead and be impleaded, answer and defend, in all courts of this Commonwealth and elsewhere, and may make all by laws, rules and regulations, they may deem necessary for the direction, management, and control of the property, business, and affairs of said association, and the government of its officers, agents, and employees; may use a common seal, and generally do and perform all acts as a corporation which any individual may lawfully do and perform in and about the business hereinafter authorized, subject only to such limitations as are prescribed by this charter and the general laws of the State of Kentucky and the United States.

§ 2. The principal office of said association shall be located in Maysville, Kentucky, and the business of said association shall embrace such manufacturing interests as the association may establish, whether of cotton, wool, wood, or iron, and the manufacture thereof into articles for trade and traffic, or the manufacture of any other thing lawful to be manufactured; and to that end the said association may lease or purchase and hold real estate, and make improvements thereon, build and construct manufactories and machinery, and cause the same to be operated, and purchase and use any personal property to be used in their business; they may sell and convey such property, or any part thereof; they may sell, trade, or exchange all their productions and property as natural persons do the same: they may conduct their operations and manufacturing directly and immediately through their own agents and employees, in whole or in part, or they may purchase and hold and sell stock in other corporations which exist or may be created, to conduct and carry on the manufacturing business in any of its branches: *Provided always*, That said real estate and manufactories, whether owned and conducted by said association directly, or in which said association may purchase stock, shall be located and conducted in the county of Mason, including the city of Maysville: *And provided*, That this

association shall, in all cases, where they may subscribe or purchase stock in other corporations, hold a majority of all the stock in said other corporation, and all the directors in said other corporation shall be stockholders in this corporation.

1873.

§ 3. The capital stock of this association shall be five hundred thousand dollars, to be divided into twenty-five hundred shares of two hundred dollars each, to be subscribed and paid for in weekly payments of fifty cents on each share of stock. Any subscriber may cease to be a stockholder at any time by surrendering to the association, and forfeiting what has been paid on his subscription. And the association may forfeit the stock, and appropriate to itself the payments which have been made by any subscriber who fails to pay his weekly calls for such term and on such conditions as the association may establish. No subscriber shall be held liable for any debt of said corporation, or the payment of any part of his subscription, beyond the forfeiture or loss of the amount which he shall have paid in. The association shall not have power to create any debt, except by the pledge of its receipts and income, for a time to be specified, not exceeding six months; the purpose and object being not to speculate, but to invest the capital of the association, as it may be paid up, in manufacturing, as provided in section two. The association may, from time to time, fix the premium or advance which shall be required of subsequent subscribers to equalize the subsequent with the prior payments made by stockholders; and said association shall make regulations for the sale and transfer of stock not fully paid up, making reasonable charges for the trouble and expense incident thereto. And when any stockholder shall have fully paid up his stock as subscribed, he shall be entitled to a certificate for same, which shall be deemed personal property, and transferable into stock, to be issued in lieu thereof.

Capital stock.

Stock unpaid
may be forfeited.No individual
liability of stock-
holders.

§ 4. So soon as convenient, after one thousand shares of stock shall have been subscribed, the corporators shall cause to be published, in the newspapers published in the city of Maysville, notice of the time and place when the first meeting of the association shall be held; at which time, or at an adjourned meeting, the association shall elect a board of control, to consist of twenty-four persons, all stockholders, and in this board of control shall be invested the power to conduct the business of the association. They shall elect all the officers, agents, and employees of said corporation, shall vote the stock of this association in other corporations, and be subject to the provisions of this charter and the by-laws which may be established by the association. The board of control shall elect from

Notice to be
given and meet-
ing held to organ-
ize and elect offi-
cers.Powers and du-
ties of directors.

1873.

Term of office
of officers.Powers of board
of control limited.

their own number a president, who shall preside over the board and discharge the duties ordinarily devolved on such officer, or as may be prescribed by the by-laws. They shall elect also such other officers and agents as may be prescribed, and may require bonds from such officers and agents as they will approve, conditioned as may be required. The president and all other officers and agents shall hold their offices at the pleasure of a majority of the members of the board of control at a regular meeting, or of two-thirds present at a called meeting. Said board of control shall not have the power to invest any of the capital stock in any real estate, manufacturing establishment, or other manufacturing corporation, unless by the approval of sixteen members, who shall constitute a quorum for business, upon a call of yeas and nays; but temporary loans may be made of funds as they accumulate for permanent investments in manufacturing by the majority of a quorum. Any member of the board of control shall cease to be a member upon failure to pay his weekly calls for four successive weeks. The board of control shall be elected at the annual meeting of the stockholders, to be held at such time and place each year as the by-laws may establish. The first board to continue in office until the regular annual meeting of stockholders in the year 1874, and until their successors shall have been elected. No stock shall be transferred within thirty days prior to the annual meeting, and no person shall represent by proxy at any meeting or election more than fifty shares of stock. Vacancies in the board of control shall be filled by the board.

§ 5. In all elections and meetings of the stockholders, each stockholder shall be entitled to one vote for each share of stock, to the number of fifty shares. Any subscriber of more than fifty shares shall be also entitled to one vote for every ten shares held by him in addition to the fifty shares. No subscriber shall vote at any meeting who has not fully paid all the calls due upon his subscription. Authority for representation by proxy shall be in writing, and no proxy authority shall be binding or valid for more than one year from the date thereof.

§ 6. The property of this association may be assessed for taxation for State and local taxes, but the stock which is held by this corporation in another corporation, paying its own taxes, shall not be assessed against this association for any taxation, nor shall the stock held in this corporation be assessed for taxation against the owner of such stock.

§ 7. This act shall take effect from and after its passage.

[Became a law without the signature of the Governor, March 27, 1873.]

CHAPTER 542.

1873.

AN ACT for the benefit of A. H. Ditto, committee of Polly Miller, a pauper idiot, of Henry county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasury in favor of A. H. Ditto, committee for Polly Miller, a pauper idiot of Henry county, for the sum of forty-five dollars and eighty-three cents (\$45 83). for keeping said pauper idiot from October, 1871, to September, 1872 (eleven months).

§ 2. This act shall take effect from its passage.

Approved March 25, 1873.

CHAPTER 543.

AN ACT for the benefit of Belville H. Herndon.

WHEREAS, Belville G. Moss, late of Mason county, prior to his death, made his will, and so far executed it as to sign it, and have it attested by one witness, bequeathing to his grandson, Belville H. Herndon, a son of his daughter, Laura V. Herndon, who is hopelessly insane, and has been confined in the Lunatic Asylum, at Hopkinsville, for many years as a confirmed lunatic, that portion of his estate which would have descended to his said daughter by the laws of this State for the purpose of rearing and educating him; now,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Commonwealth of Kentucky hereby releases all right and claim to any portion of said estate, real and personal, or the use and profits thereof, or any interest which may accrue thereon, which may be claimed or collected by her for the support of said lunatic for the benefit of the said Belville H. Herndon.

§ 2. This act shall take effect and be in force from its passage.

Approved March 25, 1873.

CHAPTER 544.

AN ACT for the benefit of William Pollard, committee of Eliza Pollard, a pauper idiot of Henry county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasury in

1873. favor of William Pollard, committee of Eliza Pollard, a pauper idiot of Henry county, for whatever sum may be found due said pauper idiot, at the rate of fifty dollars per annum, for her support from the 16th day of September, 1871, to the 8th day of October, 1872.

§ 2. This act shall take effect from its passage.

Approved March 25, 1873.

CHAPTER 546.

AN ACT to authorize the poor-house commissioners of Ohio county to sell the old poor-house property of said county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Poor-house commissioners to sell old poor-house farm.

§ 1. That Wm. J. Berry and William Hardwick, the poor-house commissioners of Ohio county, be, and they are hereby, authorized and empowered, as commissioners, to sell the old poor-house farm of Ohio county; they may sell on a credit or for cash, as they may deem best for the interests of Ohio county; and it shall be the duty of said commissioners to convey said property to the purchaser, and in such conveyance they shall retain a lien on said property to secure any part of the purchase money that may remain unpaid.

How obligations shall be taken, & effect of same.

§ 2. It shall be the duty of said commissioners to take any and all obligations for the payment of said purchase money, payable to the Ohio county court, and suit may be brought on all such obligations in the name of the Ohio county court.

Commissioners to report to county court.

§ 3. Said commissioners shall report their action to the Ohio county court of claims at its next term, and shall comply with the orders of said court heretofore made in regard to the sale of said property.

§ 4. This act shall take effect from its passage.

Approved March 25, 1873.

CHAPTER 547

AN ACT for the benefit of the kindred of Pierre Victor Eustache, deceased, late of McCracken county

WHEREAS, It is represented that one Pierre Victor Eustache, of French nativity, but a naturalized citizen of the United States and a resident of McCracken county, died intestate, and without issue or kindred capable of inheriting his estate; and that he owned at the time of his death, both real and personal estate in this Commonwealth; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1873.

§ 1. That the kindred of said Pierre Victor Eustache be, and he, she, or they are hereby permitted, made capable, and authorized to inherit, recover, take, hold, sell, and convey said estate, in the same manner as if he, she, or they were citizens of this State: *Provided*, That nothing in this act shall be so held or construed as to impair or interfere with any right or claim of the widow of said intestate secured to her by the existing laws.

§ 2. That this act shall take effect from its passage.

Approved March 25, 1873.

CHAPTER 548.

AN ACT to incorporate the city of Mayfield.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of the county of Graves as includes the whole of the territory now embraced within the boundaries of the town of Mayfield and West Mayfield, agreeably to its present limits, and the persons residing within said boundaries, are hereby created a body-politic and corporate, by the name and style of the city of Mayfield; and by that name may have perpetual succession; sue and be sued, plead and be impleaded, defend and be defended against, at law and in equity, in all courts and places, and in all matters whatsoever; contract and be contracted with; have and use a common seal; and generally have and enjoy all the powers and privileges, and be liable to all the duties and obligations, of a municipal corporation. The exercise of the powers and the administration of the affairs of said city are hereby confided to one principal officer, to be styled the City Judge, [and] a board of three councilmen from each ward of said city, to be styled the City Council.

Name and style.

Corporate powers.

By whom affairs to be managed.

§ 2. Said city is hereby invested with all the lands, tenements, hereditaments, and the appurtenances, and all the goods and chattels, moneys, revenues, rights, and demands, in possession and expectancy, accrued or to accrue, of the town of Mayfield, as fully as the same were held by said town; and said city shall be bound by all contracts, and liable for all debts and demands, accrued or to accrue, in the same manner, and to the same extent, as said town was or might be bound or liable.

City to become vested with town property, & liable to town debts.

§ 3. Said city is hereby divided into two wards, as follows, viz: The first ward shall include all that part

City divided into wards.

1873. which lies east of Prairie street; and the second ward shall include all that part which lies west of Prairie street; and the city judge and councilmen are hereby authorized to change the number and boundaries of said wards as the public necessities shall require, always endeavoring to equalize as nearly as possible the population thereof.

Officers — how
elected and ap-
pointed.

§ 4. The officers of the city of Mayfield shall consist of a city judge, three councilmen from each ward, a marshal, city attorney, clerk, assessor, and treasurer, and such other officers as, from time to time, may be found necessary to transact the business of the city. The city judge, marshal, treasurer, and city attorney shall be elected by the qualified voters of the city, and the three councilmen from each ward by the qualified voters of their respective wards. All other officers shall be appointed by the judge and city council, and be liable to dismissal at the pleasure of the council.

Officers—when
elected and term
of office.

§ 5. The city judge and all other elective officers shall be elected on the first Monday in April, 1873, and on the first Monday in April in each year thereafter, and hold their offices until their successors are elected and qualified. All officers of said city shall take an oath to faithfully discharge their respective duties, and the oath prescribed by the State Constitution, which shall be noted of record on the public journal of said city.

Qualifications of
officers.

§ 6. No person shall be eligible to the office of city judge and city councilman who has not resided within the city limits for the space of two years, and attained the age of twenty-five years; nor shall any person be eligible to any other office created by the charter who has not been a resident of the city one year next preceding his election or appointment, and a qualified voter under the Constitution and laws of the State of Kentucky: *Provided*, That no officer shall be eligible to re-election, into whose hands the money of the city may pass, until he has obtained a legal discharge for the same.

Qualifications
of voters.

§ 7. Every citizen over the age of twenty-one years, who is sane and has paid the city taxes due from them for the preceding year, and has resided in the city six months next preceding the day of election in the city, shall be entitled to the right of suffrage in all elections for city officers.

Powers and du-
ties of city judge.

§ 8. It shall be the duty of the city judge to preside at all meetings of the council, and, in case of a tie, to give the casting vote; he shall sign all commissions, licenses, and permits granted by the city; he shall have the same jurisdiction and power, in both civil and criminal cases, which justices of the peace have, if the cause of action or complaint shall have arisen, or the defendants or one of them reside, or shall be found in the city; and he shall have

1873.

jurisdiction of all cases for a violation of any by-laws or ordinances of the city council, and have the same power to issue all process to carry his jurisdiction into effect; and shall proceed in the same manner, and be entitled to the same fees as justices of the peace; and the parties to any suit before him shall have the same right to appeal and to a trial by jury, as if the suit was pending before a justice of the peace; and as soon as such city judge shall be qualified, the docket and files of the police judge of the town of Mayfield shall be delivered to him, and he shall hold and act upon the same as a justice of the peace holds and acts upon the docket of his predecessor in office. The clerk of the election and judge shall certify to the Governor of the State the name of the person chosen city judge, when the Governor shall issue to him, without delay, a commission as city judge, and before entering on the discharge of his official duties he shall be duly sworn as required by the charter. In case of a vacancy in the office of city judge, it shall be the duty of the city council to fill the vacancy by the appointment of a successor, to serve until the next annual election; he shall keep a docket, upon which he shall enter the name of the plaintiff and defendant in every case which may come before him, and what disposition has been made of the same; he shall also keep an execution book, on which he shall enter the amount, the day from which it draws interest, the cost, the date, return day, time of return, to whom delivered, and officers' return on every and all executions and capiases which may be issued by him; and also execute bond before the Graves county court, to be approved by the court, conditioned for the faithful discharge and performance of his duties and the payment to the proper person or party all moneys received by him as such judge, before he enters upon the discharge of his official duties; he shall also keep a book in which he shall enter the amount of money received by him, and who from, and when, and to whom the same has been paid. All of the books required of him to be kept by this section shall be, at all times, open for public inspection; and for each failure to keep any of said books, or make the necessary entries therein, he shall be fined not less than ten nor more than one hundred dollars, to be recovered by indictment in the circuit court of Graves county.

§ 9. The marshal and treasurer shall, before entering upon the discharge of their official duties, execute bond, as required of the city judge, before the Graves county court, to be approved by said court.

Marshal and treasurer to give bond.

§ 10. It shall be the duty of the marshal to execute and return all process delivered to him by the city judge or any

Powers and duties of marshal.

1873. justice of the peace, and his power for this purpose shall be co-extensive with Graves county; and he shall attend all trials before the city judge, receive the same fees for services, and perform the same duties in like cases as constables; he shall be collector of the city tax, and receive such compensation therefor as the council may, by ordinance, direct, and shall be liable on his official bond as marshal for all taxes collected by him in the same manner and subject to the same responsibilities as sheriffs are on their bonds for the collection of the State revenue, which may be put in suit or motion in the Graves circuit court; he shall also be subject to the same responsibilities for failing to discharge his duties as constables.

Powers and duties of treasurer.

§ 11. It shall be the duty of the treasurer to safely keep all moneys and funds of the city, and keep a book in which he shall enter the time of receiving, who from, and on what account, all moneys received by him as treasurer, and what he has done with the same, which shall at all times be open for the inspection of the public; and for each failure to keep such book, or make the necessary entries therein, he shall pay a fine of not less than ten dollars nor more than one hundred dollars, to be recovered by indictment in the Graves circuit court.

Council to appoint clerk, and his duties.

§ 12. The city council shall, at their first meeting, appoint a clerk, who shall keep, in a book provided for that purpose, to be styled the journal, a true and intelligible record of all the proceedings of the council, which record shall at all times, during business hours, be subject to inspection by any citizen, and perform such other reasonable duties as may be required of him by the council; and the council shall meet on the first Monday in each month, and oftener if the public business requires it; a majority of the councilmen shall be necessary to transact business, and the names of all councilmen present shall be entered on the journal. In the absence of the city judge, the council shall select one of their body to preside; and upon the adjournment of each meeting, the proceedings shall be signed by the presiding officer and clerk.

Meetings of council.

Powers and duties of council.

The council shall have full power and authority to assess and collect, annually, against each and every male inhabitant, liable to taxation under the laws of the State of Kentucky, a capitation tax not exceeding two dollars, and upon all property, real and personal, including merchandise, such ad valorem tax as they shall, from time to time, deem expedient, not exceeding fifty cents on one hundred dollars' worth of property; they shall also have power to levy each year a specific tax or license on each house for the sale of merchandise of any kind, insurance and lottery agents, stores for the purchase and sale of country produce, shooting galleries, each tobacco stem-

1873.

mery, all kinds of peddlers, forwarding and commission house, tobacco factory, or store where liquors are sold by the quart, any sum between five and fifty dollars, the amount to be assessed as nearly as may by the amount of business done by each; they shall also have power to require of each person desiring a license to keep a coffee-house or a tavern, with the privilege to sell liquors by the drink, a tax of not less than two hundred and fifty dollars nor more than five hundred dollars; on each billiard table a tax of not less than fifty dollars nor more than two hundred dollars; on each circus or menagerie in said town, or within one mile thereof, not less than fifty dollars nor more than one hundred dollars; on each exhibition for gain within said city, or within one mile thereof, of any animal, wax figure, or other natural, or artificial curiosity, or any feats of horsemanship, tumbling, vaulting, rope or wire-dancing, legerdemain, ventriloquism, or other feats of agility, theatrical performances, concerts and musical entertainments, such sum of money as they may, by ordinance, deem just and proper, and prescribe such regulations and penalties in regard to the same as shall seem right; and any person violating the provisions of this section, and aiding, assisting, and abetting him, her, or them therein, shall be fined for each offense not less than ten nor more than two hundred and fifty dollars, according to the grade of the offense, to be recovered by indictment in the Graves circuit court, for the benefit of the city; the council shall also have power to grade, pave, and repair, at the expense of the city, all streets, sidewalks, market spaces, as they shall, from time to time, think proper, and have the exclusive supervision thereof. In all cases of nuisances, of whatever kind, the council, after reasonable notice to the party guilty thereof, and his neglect to abate the same, may cause the same to be abated, and sue such guilty party in any court of competent jurisdiction, and receive full compensation for the expenses of such abatement. The council shall, at any regular meeting, have the power to fix the amount of tax to be paid for each license they are authorized to grant, and prescribe, by ordinance, regulations to govern the business licensed, and revoke the license for a violation of the regulations; also to pass such ordinances as are deemed just and expedient for the good order and well being of the city; to establish a system of police; to hold and regulate burying-grounds for the city; define and declare what shall be nuisances, and abate the same; prevent, by fine, any and all noxious offenses and trades within the city; to establish markets and market places; regulate the buying and selling of articles usually sold in market; to appoint measurers, weighers, and gaugers,

1873. and to fix the fees of such officers; to license and regulate porters, carts, wagons, hacks, and other vehicles plying in the city for hire, fix the prices therefor, and prohibit those not licensed; to license auctioneers, and regulate auctions; to prohibit and prevent hogs, cattle, horses, and other animals, from running at large in the streets; to assess an annual tax on the owners or keepers of dogs within the city, and the following of a person by a dog shall be proof of ownership; to suppress gaming-houses and houses of ill-fame, and punish the persons who shall keep them; and to preserve good order and the public peace by preventing intoxication, immorality, lewdness, idleness, vagrancy; quarreling, fighting, cursing, swearing, rioting, boisterous and vulgar talking, and all disorderly conduct in the city, and punish those guilty of such conduct therein; and the council is hereby authorized to make all by-laws, ordinances, and regulations necessary to carry the foregoing and all other powers granted by this act into full effect, and to enforce the same by penalties not exceeding fifty dollars, to be recovered before the city judge, except as otherwise herein provided for; the council shall also have power to establish rules to enforce a faithful and honest discharge of the official functions of all officers of the city, and to inflict a penalty for their non-observance; also to fix the fees of city officers not herein provided for.

§ 12. All moneys of the city raised by means of taxes, licenses, penalties, or otherwise, shall be paid into the treasury, and shall not be drawn therefrom, except by order of the council upon an order signed by the city judge, and countersigned by the clerk; and they shall cause, semi-annually, to be posted in at least three public places in said town, a full and concise statement of the receipts and expenditures of the city; and at the close of each fiscal year they shall cause to be posted, in the same manner, a true delinquent list, giving the name of each delinquent tax-payer, with the amount of his or her delinquency.

Fines and forfeitures—how appropriated.

§ 13. That all fines and forfeitures assessed for a breach of the penal laws of this Commonwealth, within the city limits, after paying the Commonwealth and county attorney the amounts allowed them by the existing laws of the State, shall be paid to the city council for the purpose of improving the streets and sidewalks in said city.

Council may use jail; fees of jailer.

§ 14. That said city shall be allowed the use of the jail of Graves county for the confinement of all persons who may be convicted before the city judge, and who shall be liable to imprisonment under the laws of this State or ordinances of said city; and all persons so im-

prisoned shall be under the charge and custody of the jailer of Graves county; and he shall receive the same fees for his services under this section, to be paid by the city, he is now allowed by law in similar cases.

1873.

§ 15. It shall be the duty of the city attorney to prosecute all infractions of the by-laws and ordinances of the city; and he shall receive as fees for the same thirty per cent. of all the fines and forfeitures assessed by the city judge.

Duties and fees of attorney.

§ 16. It shall be the duty of the assessor to make and return to the city council a complete list of all persons liable to the capitation tax, and of all lands, tenements, and hereditaments, goods and chattels, liable to be taxed, with the name of the owner thereof, and a just valuation and description thereof, stating therein the names of the persons in alphabetical order, by the first day of June in each year; and every such assessment shall be made or taken as if made on the first Monday in May in each year, from which time the taxes for the current year shall be a lien upon the property so assessed, and a charge against the owner thereof, until such taxes shall be paid; and the assessor shall administer to each person assessed the same oath required to be administered by county assessors to tax-payers.

Duties of assessor

§ 17. On the first Monday in June in each year the council shall determine, by ordinance, the amount of the poll, and the rate of the ad valorem taxes for the year; and the clerk shall thereupon make and deliver to the marshal, as soon as practicable, a list, in alphabetical order, of the persons named in the assessment roll, and the amount of the taxes for the current year, and delinquent taxes for the preceding two years, charged against each, specifying whether the tax is a poll or property tax, and if the latter, concisely describing the property; and said marshal shall immediately proceed to collect the said tax, and pay over the same to the treasurer by the first Monday in December of the same year, at which time he shall make and report to the council a list of delinquents who have failed to pay their taxes, and who had no property out of which he could make their taxes; and if said list be allowed, he shall have a credit therefor in his settlement. The marshal shall have the same power in collecting the city tax that sheriffs have in collecting the State revenue, and be subject to the same responsibilities.

Council to fix rate of taxes.

List to be delivered to marshal, and his duties and powers under same.

§ 18. The council shall provide, by ordinance, for all elections in conformity with this act, and the Constitution and laws of this State; and at the election to be held under this charter, on the first Monday in April next, the officers of said election shall be appointed by

Council to provide for elections.

1873.

Duties of officers
of election.

the Graves county court as required by law in State and county elections, the voting place for said election in each ward to be designated by the court. At the close of the polls in each ward it shall be the duty of the judges and clerk of the election to certify the poll-books, and deposit the same with the county judge, who shall, in conjunction with the county court clerk, compare the same, and declare the result, and give to each person elected a certificate of his election, and send a certificate to the Governor, showing who has been elected city judge, so that he may obtain his commission.

How bonds shall
be executed.

§ 19. Each and every bond required to be executed by this act, and all others which the city council may, by ordinance, require to be executed before the council, by officers appointed by them, shall be executed to the city of Mayfield, except as otherwise provided; and upon all such bonds suit may be brought and judgment recovered in any of the courts of this Commonwealth.

Council to keep
streets in repair,
and penalty for
failure to dis-
charge duty.

§ 20. It shall be the duty of the council to keep the streets in the city of Mayfield open, in good order and repair, and free from gullies and obstructions, and erect bridges when they are deemed necessary for the public convenience; and for each failure to comply with the provisions of this section, members of the council shall each be fined not less than five dollars nor more than twenty dollars, to be recovered by indictment in the Graves circuit court.

Marshal to settle
with council.

§ 21. It shall also be the duty of the marshal to settle with the city council and pay into the treasury of the city, on the first Mondays in August, September, October, and November, all taxes and other moneys collected by him belonging to said city. That in order for the holding of a court by the city judge, for the trial of civil cases, the county court shall fix a day in the months of March, June, September, and December, and the days so fixed shall be the regular time for holding the city court for the trial of civil cases.

County court to
fix time for hold-
ing police court.

§ 22. This act shall be in force from and after the time appointed for holding the first election under this charter, and the officers elected at that time shall qualify and enter upon the discharge of their official duties. The act to incorporate the town of Mayfield, and other acts coming within the purview of this act, are hereby repealed: *Provided*, That a majority of the votes cast at said election shall concur in this act of incorporation.

Approved March 25, 1873.

CHAPTER 549.

1873.

AN ACT to amend the charter of the Lexington and Newtown Turnpike Road.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the directors of said road shall be authorized to collect toll for hauling over said road for the distance traveled, whether said hauling is done through the toll-gates or not.

§ 2. This act shall take effect from its passage.

Approved March 25, 1873.

CHAPTER 550.

AN ACT concerning the appointment of a superintendent and commissioner of roads and bridges for Ohio county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for the Ohio county court, the presiding judge, and a majority of the justices in commission being present and concurring therein, at any regular meeting of said court, to elect a general superintendent and commissioner of roads and bridges for said county, who shall hold his office for the term of two years, unless sooner removed or discharged by the court. It shall be the duty of said superintendent and commissioner to oversee all the roads within said county, and cause them to be kept in good order, by the respective surveyors of precinct roads appointed from time to time by the county court, as is now prescribed by law; build and cause to be built all necessary bridges, levees, and earth-work on said roads have removed all obstructions; which may be upon, or placed on any such roads, and assist in opening or changing any road or roads the county court may authorize and direct.

County court to elect superintendent and commissioner of roads—his term of office and duties.

§ 2 The county levy court as aforesaid, at any regular term of said court, may, by suitable order made, enlarge and define the duties of said superintendent and commissioner as aforesaid, not in conflict with the laws now in force in regard to roads.

County court may enlarge duties of superintendent.

§ 3. Said superintendent and commissioner shall be paid a reasonable compensation for his services by said county levy court, and said court may require of him a bond for the faithful discharge of his duty, and the proper disbursement of any funds that may be placed at his disposal, which may be sued on in the name of the county court.

Superintendent's compensation.

To execute bond.

§ 4. In the event said court should, from any cause, fail to elect or appoint a superintendent and commis-

1873. sioner, at any regular meeting of said court, then it may and shall be lawful for the county judge of said county to appoint. until the next regular term of said court; and in order to carry out this act, the county judge of Ohio county may appoint a superintendent and commissioner until the next regular meeting of said levy court aforesaid, as prescribed herein.

§ 5. This act shall take effect from its passage.

Approved March 25, 1873.

CHAPTER 551.

AN ACT to amend the charter of the Georgetown and Paris Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the board of managers of the Georgetown and Paris Turnpike Road Company are hereby authorized to charge and collect tolls for hauling on said road according to the distance traveled, whether the hauling is done through any toll-gate on said road or not.

§ 2. This act shall be in force from its passage.

Approved March 25, 1873.

CHAPTER 552.

AN ACT for the benefit of W. E. Clelland, late sheriff of Mercer county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The Auditor of Public Accounts is directed to allow W. E. Clelland, late sheriff of Mercer county, credit by one hundred and fifty-nine dollars and fifty cents, the amount of the allowances to Phil. B. Thompson, jr., as Commonwealth's Attorney, *pro tem.*, in the counties of Taylor, Larue, Marion, Nelson, Mercer, and Anderson, and paid to him by said sheriff, by direction of the Auditor, on his revenue taxes of 1872.

§ 2. This act shall take effect from its passage.

Approved March 25, 1873.

CHAPTER 553.

1873.

AN ACT authorizing the sale of the poor-house farm in Estill county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Estill county, a majority of the justices concurring therein, shall have power to sell the poor-house farm in said county, or any part thereof; to make the proper deed, through some commissioner appointed for that purpose, and receive the money for the same.

§ 2. If a part only of said farm should be sold, the proceeds of said sale may be applied to the improvement of the remainder, or reinvested in other lands for poor-house purposes.

§ 3. This act shall take effect from its passage.

Approved March 25, 1873.

CHAPTER 554.

AN ACT to amend the charter of the town of Cynthiana, in Harrison county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the tenth division of section nine of the charter of Cynthiana, approved January 22d, 1868, which is in the following words, viz: "*Tenth.* The mayor and councilmen shall have power and authority to establish one or more free schools in each ward of said city, and may receive donations of real and personal estate to erect the necessary buildings, and to provide the revenue for their maintenance, by a tax on the ward where such school or schools shall be established, and further to regulate and superintend, by trustees, to be by them appointed, all schools in said city," be, and the same is hereby, repealed.

§ 2. This act shall take effect from and after its passage.

Approved March 25, 1873.

CHAPTER 555.

AN ACT in relation to the city of Vanceburg.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the following boundary in the city of Vanceburg shall constitute and form, and be known as, the fifth ward in said city: Beginning at the mouth of Slate

Boundary of ward.

1873. branch, thence up said branch to the line of the forty-thousand-acre survey (40,000); thence with the line of said survey to the corner of the forty-thousand-acre survey, the twenty-five-thousand-acre survey (25,000), and the eighteen-hundred-acre survey (1,800); and thence with the line of the eighteen-hundred-acre survey to the Ohio river; thence up the Ohio river to the beginning. Said ward shall be entitled to two councilmen, to be elected at the regular city election. The council shall appoint two councilmen for said ward, who shall hold their office till the next regular election, and until their successors are duly qualified.

Councilmen to
be elected.

§ 2. The city council shall cause First street, as recently extended and established to State branch, by the Lewis county court, to be built, and also the sidewalks, at the expense of the city, as agreed by the property-holders, and accepted by the city council, and established by the Lewis county court.

Certain street
to be improved.

§ 3. The city council shall have the power and authority to levy and collect, for city purposes, a tax of not exceeding one dollar on each one hundred dollars' worth of property liable to State taxes, and which tax shall be collected as now required by law, and which tax the city council shall assess and collect for the year 1873, and every year thereafter.

Council may
levy tax.

§ 4. This act shall take effect from and after its passage.

Approved March 25, 1873.

CHAPTER 556.

AN ACT to charter the Hustonville Cemetery Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Jas. B. Green, W. L. Williams, John Bogle, James Drye, James M. Cook, Geo. Cooper, and Geo. W. Riffe, be, and they are hereby, created a body-politic and corporate, under the name and style of the "Hustonville Cemetery Company;" and by that name to sue and be sued, plead and be impleaded, in all the courts of this State; to have and use a common seal, and to alter and change the same at pleasure.

Corporators'
names.

Name and style.

§ 2. That said company is authorized, empowered, and permitted to purchase and contract for any number of acres of ground in Lincoln county, Kentucky, not exceeding fifty acres, for the purpose of a cemetery or burial ground; to acquire and possess the title to same; to erect any buildings or improvements thereon; to lay off the same into lots, and sell and dispose of the same, and to make deeds to the purchasers.

May acquire
lands for ceme-
tery.

§ 3. That said land thus acquired shall be exempt from all taxes.

1873.

§ 4. That said company shall meet as often as a majority of the corporators may designate to transact business; and all conveyances to be made by a majority of the corporators; and they may make such rules and by-laws as they may deem proper, not inconsistent with the laws and Constitution of this State or United States.

Land exempt from tax.
When meetings to be held.

§ 5. That the corporators named herein shall meet, elect one of their number as chairman, one as secretary, and one as treasurer; with power to purchase all necessary books for the company to record their transactions in; and the minutes of each meeting are to be signed by the chairman.

§ 6. That no money shall be paid out, except upon the consent of a majority of the corporators, recorded in the book of the company; and the treasurer shall, from time to time, make report of all moneys received and paid out by him, as the company may direct; and they may receive donations, from time to time, in money or property; they may, if they see proper, open books for the subscription of stock, in shares not exceeding twenty dollars each, and issue certificates of stock when the money is paid in; and the capital stock shall not exceed ten thousand dollars, unless by permission of the General Assembly; and all dividends arising from the stock subscribed, after payment of all debts, to be ratably divided between the stockholders; and each share shall be entitled to one vote.

How funds to be disposed of.

Treasurer to make report.

Capital stock.

§ 7. That should the corporators determine to open books for subscription of stock, and stock taken therein, then in case the stockholders shall fill any vacancy that may occur in the board of corporators, but if they do not open books and obtain subscriptions of stock, vacancy shall be filled by the board of corporators.

Books of subscription may be opened.

§ 8. This act to take effect and be in force from its passage.

Approved March 25, 1873.

CHAPTER 557.

AN ACT in regard to turnpike roads in Garrard county in which said county owns stock.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That from and after the passage of this act it shall be the duty of presidents of the various turnpike roads in Garrard county, or of roads, parts of which are in said county, and in which said county owns stock, to make

Presidents of roads to make settlement with county judge.

1873. yearly settlements with the presiding judge of the Garrard county court.

§ 2. Said settlements to show amount of money collected and due, and amount paid out upon said roads.

Upon failure,
judge may com-
pel compliance.

§ 3. In event of failure upon the part of said presidents to come forward and make such settlements, said judge shall have power to compel such settlements in all respects and in the same manner as by statute he has the right to do regarding the estates of deceased persons.

Settlements to
be recorded.
Clerk's fees for
recording.

§ 4. Said settlements shall be recorded by the clerk of the Garrard county court, and for such recording he shall have and receive the same fees as are allowed him for recording settlements of personal representatives.

Fees of judge
for making settle-
ment.

§ 5. The judge of the Garrard county court shall be allowed three dollars per day, or for each fraction of a day he may consume in the making of such settlements, to be collected as he has the right by law to collect his fees in the settlement of the estates of deceased persons.

Made unlaw-
ful to grant free
passes.

Penalty for vio-
lation of this pro-
vision.

§ 6. That from and after the passage of this act, the president and directors of said roads shall have no power to issue any free tickets, or pass through the gates on such roads free of toll; and for a violation of this section shall be punished by fine of not less than five nor more than one hundred dollars, to be recovered by indictment in the Garrard circuit court; and this section shall be given in charge, by the judge of the Garrard circuit court, to the grand jury.

Where elections
for officers fail to
be held, judge to
hold elections.

§ 7. That where, under the charters of such turnpike roads, elections are required to be held, and are not so held for president and directors, it shall be the duty of said county judge to give notice as required by such charters, and hold such elections in his office in Lancaster, Kentucky; and all the officers elected shall have all the powers as granted in said charter; and the officers whose terms have expired shall deliver over all books and papers in their hands to the incoming officers, in default of which, they shall be subject to fine of not less than five nor more than fifty dollars, to be recovered by warrant before the judge of said county court.

§ 8. This act shall take effect upon its passage.

Approved March 25, 1873.

CHAPTER 558.

AN ACT to amend an act, approved January 24, 1872, entitled "An act authorizing the clerk of the Nelson county court to make a cross-index to deeds in his office, and transcribe the marriage register in said office."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the first section of an act, entitled "An act

authorizing the clerk of the Nelson county court to make a cross-index to deeds in his office, and transcribe the marriage register in said office," approved January 24th, 1872, is hereby amended, and the clerk of said court is hereby authorized to make a full and complete index and cross-index to all deeds recorded in said office, and to be paid for as provided in said act.

1873.

§ 2. This act shall be in force from its passage.

Approved March 25, 1873.

CHAPTER 559.

AN ACT to incorporate the Willisburg, Thompsonville, and Pleasant Run Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company shall be, and the same is hereby, incorporated, to construct a road on the macadamized plan from Willisburg to the mouth of Pleasant Run, in Washington county, making Willisburg, Thompsonville, and mouth of Pleasant Run points in said road, under the name and style of Willisburg, Thompsonville, and mouth of Pleasant Run Turnpike Road Company; and by that name and style may sue and be sued, contract and be contracted with, plead and be pleaded, and use and have a common seal, and alter and amend the same at pleasure.

Name and style.

§ 2. The capital stock of said company shall be fifteen thousand dollars, to be increased or diminished at the pleasure of the company, and to be divided into shares of twenty-five dollars each.

Capital stock.

§ 3. That Thomas W. Reed, Andrew Pinkston, B. F. Scruggs, Thomas R. Phelps, Daniel McElvoy, Clement Funk, Daniel B. Hughes, George W. D. Nunan, Reas Thompson, John Noe, Henry Fenwick, and Thomas J. Montgomery, are hereby appointed and constituted commissioners, whose duty it shall be to open books for the subscription of stock, at such places as said commissioners may designate; and as soon as five thousand dollars is subscribed they shall give ten days' notice, at the most public places in the vicinity of the line of said road, of a meeting of the stockholders for the purpose of electing a president and seven directors for said company, a majority of whom shall be competent to do business, and to do all things authorized by this act to be done by the president and directors of said company; and the management of the fiscal and prudential affairs of said company shall be confided to said president and directors and their successors in office, to be chosen annually, at such times

Commissioners and their duties.

Directors to control affairs, and their term of office.

1873. and places as the said president and directors, from time to time, may appoint, and who shall continue in office for one year, and until their successors in office are elected and qualified.

Qualifications
of directors.

§ 4. That no person shall be eligible as president or director who is not the owner, in his own name, of one or more shares of stock in said road.

Board to ap-
point officers and
require bond.

§ 5. The president and directors shall have the power of appointing a treasurer, gate-keeper, and all other officers or agents deemed necessary to effect the purpose of this act, and to remove the same at pleasure. They shall have power to require the treasurer, and all other officers or agents appointed by them, to give bond and security, in such penalties as they may require, conditioned for the faithful performance of the duties incumbent on them as such.

Obligation of
stockholders.

§ 6. The commissioners herein appointed shall procure a book or books, and the subscribers to the stock of said company shall enter into the following obligation in said books, viz: "We, whose names are hereto subscribed, do promise to pay the president and directors of the Willisburg, Thompsonville, and Pleasant Run Turnpike Road Company, the sum of twenty five dollars for each and every share of stock in said company set opposite our names, in such manner and proportion, and at such times, as shall be by them required under the law incorporating said company, to be collected as other debts. Witnesseth our hands this — day of ———, 187—."

Width and grade.

§ 7. That said road shall not be less than thirty feet wide; the width of the grade shall be twenty feet wide, clear of ditches, and the metal not less than twelve feet wide, and shall be graded to an elevation not exceeding three degrees [in] any part thereof. That whenever five miles of said road are completed the company may erect a toll-gate, and charge toll thereat, at the rate of toll not exceeding that now authorized by law on roads made under the general turnpike laws of the State.

When gate may
be erected and
rate of toll.

§ 8. That the president and directors of said road shall have the right and power to acquire the right of way for said road, to locate and lay out the same; and may take steps authorized by the general laws of the State to condemn the land over which said road is to run, and material from adjacent lands.

May acquire
right of way by
writ, &c.

§ 9. When the stockholder shall have made full payment of his stock, it shall be the duty of the president, over his signature, to issue certificates of stock to all persons entitled to the same, attested by the secretary of said company.

§ 10. This act to take effect from and after its passage.

Approved March 25, 1873.

CHAPTER 560.

1873.

AN ACT to incorporate the Agricultural and Mechanical Association of the Colored People, of Bourbon county.

WHEREAS, Various persons of the county of Bourbon, in this Commonwealth, have organized an agricultural association under the name and style of the "Agricultural and Mechanical Association of Colored People," of Bourbon county, for the purpose of promoting agriculture, mechanics, and horticulture, and the breeds of domestic animals, and for that purpose have adopted a constitution and by-laws, and have chosen a president and five directors to control and manage the affairs thereof, and have applied to the General Assembly for an act of incorporation; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said association, consisting of Wm. Stubans, Thomas Kelly, A. H. Smoot, Jacob Porter, and their associates and successors, be, and are hereby, created a body-politic and incorporate, under the name and style of the Agricultural and Mechanical Association of Colored People, of Bourbon county, at Paris; and by that name may sue and be sued, plead and be impleaded, and defend and be defended, in all courts of law or equity; and shall be capable of acquiring, by purchase or otherwise, any quantity of land not exceeding twenty-five acres, and may improve, sell, and convey the same, or any part thereof, at pleasure; and may acquire, hold, and dispose of such personal estate as may be necessary for the legitimate purpose of said association; the association may adopt and use a corporate seal, or may use the seal of its president for the time being.

Corporators' names.

Name and style.

Corporate powers.

§ 2. That the president and directors already chosen as aforesaid shall continue in office until the second Saturday in May, and until their successors are duly elected and qualified. An election, however, of president and directors shall be had on the second Saturday in May, 1873, by the qualified members of the said association, and annually thereafter, unless the members of said association, at said annual election, shall, by resolution, fix upon a different day.

When elections of officers to be held.

§ 3. The prudential, fiscal, and other concerns of said association, together with its estate of every kind, shall be under the control and management of the president and directors aforesaid; and they shall have power to appoint a treasurer and secretary, and such other inferior officers as they may deem necessary in carrying out the purposes of said association; and they may require

Board of directors to control affairs, appoint officers, and require bonds.

1873. of such inferior officers, or either of them, so elected, a bond, with good security, for the faithful discharge of his or their duties. Said president and directors shall have power to make such regulations and by-laws, not inconsistent with the Constitution and laws of this Commonwealth, as, in their opinion, may contribute to the good order and management of said association; and may, from time to time, modify and repeal the same at pleasure; they shall have power to contract and be contracted with in their corporate name; and to do any and every other act, not inconsistent with the Constitution and laws of this Commonwealth, which, in their opinion, will contribute to advance the objects of said association.

Quorum.

§ 4. Any four members of the directors, together with the president, shall be a quorum for the transaction of business, unless the association shall fix and require a different number.

§ 5. That said association shall, in its corporate capacity, with all the estate belonging thereto, be liable for any debts heretofore contracted by it, or by its authority, as fully as though the same had been contracted since the passage of this act.

Made unlawful
to sell liquors on
fair grounds.

§ 6. That no spirituous liquors shall, directly or indirectly, during the continuance of any fair of said association, be sold on the premises used for such fair, nor shall any such liquor, during any such time, be sold, either directly or indirectly, upon any lot or lane, road or street, adjoining the same, under the penalty of (\$20) twenty dollars for each and every offense, to be recovered, together with the cost, by warrant in the Paris city court, or before any justice of the peace in the county of Bourbon; and each separate act of selling shall be a separate offense.

§ 7. This act to take effect from its passage.

Approved March 25, 1873.

CHAPTER 561.

AN ACT to incorporate the St. Joseph's Catholic Benevolent Society of Frankfort.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators'
names.

§ 1. That A. Kahr, president, James D. Flynn, vice president, Dennis J. Haly, secretary, Pat. Newman, treasurer, Rev. Lambert Young, chaplain, and John Breslan, Daniel Lynch, James O'Donnell, Lucas Rhien, Henry Gober, Louis Weitzel, Daniel Callahan, their associates and successors, be, and are hereby, created a body-corporate and politic,

under the name and style of the St. Joseph's Roman Catholic Benevolent Society of Frankfort, Kentucky; and as such shall have perpetual succession, may sue and be sued, contract and be contracted with, and have, and at pleasure break and alter, a common seal.

1873.

Name and style.

§ 2. The object and purpose of said society shall be the intellectual, moral, and social improvement of its members, and works of benevolence and charity; and for those purposes, shall have power to adopt a constitution and by-laws, not inconsistent with the laws of the State of Kentucky, and alter and amend the same at pleasure; and may acquire, by purchase, gift, or otherwise, real or leasehold estate, books, money, or other property, not exceeding fifty thousand dollars in value, and the same may sell and dispose of at pleasure; and may do such other acts, not inconsistent with law, necessary to carry out the objects of the society.

Object and powers of association.

§ 3. This society shall have the power to levy and collect such fees for membership, and such stated dues thereafter to be paid by its members, and at such times of payment, as may be fixed by its constitution or by-laws; and shall also have the right to prescribe its own mode of paying out, or loaning out, its surplus funds, or to invest the same in such other manner as it may deem profitable; but not to exercise banking privileges.

Society to fix fees and dues.

§ 4. The members of this society shall pay such admission fees, dues, fines, &c., as shall be necessary to create a fund for the support of sick and unfortunate members of the society, and, in case of death, to help their widows and children, according to the constitution of the society.

Members to pay dues, &c.

§ 5. That it shall be lawful for said society, in its corporate capacity, from time to time, and at all times, to borrow or obtain upon loan or upon bonds, which may be issued by them, bearing a rate of interest not to exceed ten per cent per annum, such sum or sums of money as may be deemed necessary and expedient for the use of said society, not exceeding the sum of one thousand dollars (\$1,000), and to pledge or mortgage all or any part of the estate, improvements, effects, or assets of said society, for the repayment of said sum or sums of money as may be obtained, whether by loans or upon bonds sold, at such times as may be agreed upon.

May borrow money on bonds and secure same by mortgage.

§ 6. This act shall take effect from and be in force from and after its passage.

Approved March 25, 1873.

1873.

CHAPTER 562.

AN ACT to amend the charter of the Manufacturers' Bank.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

May consolidate
with other bank,
or may wind and
dissolve corpora-
tion.

§ 1. That the board of directors of the Manufacturers' Bank at Louisville, Kentucky, be, and they are hereby, authorized and empowered, by and with the consent, sanction, and approval of the stockholders of said bank, to consolidate the capital and business of said bank with the capital and business of any other bank or banks, incorporated by or under the laws of this State, in the city of Louisville, upon such terms and conditions as they may agree; and power and authority is hereby given to any bank or banks in said city to consolidate their capital and business with that of the Manufacturers' Bank, by and with the sanction, consent, and approval of a majority in interest of the stockholders of any such bank or banks; and the board of directors of said Manufacturers' Bank be, and they are hereby, authorized and empowered, by and with the consent of a majority in interest of the stockholders, to liquidate and wind up the business of said bank, and dissolve said corporation.

May purchase
and retire stock.

§ 2. That the board of directors of said Manufacturers' Bank be, and they are hereby, authorized and empowered to retire by purchase, or for the payment of money or debts due the bank, such amount of the stock of said bank as they may deem to the interest of said bank, at such times and on such terms as they may think proper.

§ 3. That this act shall take effect and be in force from and after its passage.

Approved March 25, 1873.

CHAPTER 563.

AN ACT authorizing the Lewis county court to levy an additional tax to pay off the debt of said county, and to aid in the building of turnpike roads in said county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

County court
to levy tax to pay
debt.

§ 1. That the Lewis county court, at its court of claims, are authorized to levy an additional ad valorem tax of not exceeding fifty cents on each one hundred dollars' worth of taxable property in said county, liable to taxation for State revenue, and which tax shall be levied for the year 1873, and each year till said debt and interest is paid off, and which tax shall be collected by the sheriff of the county, and accounted for in the same manner, as other county taxes.

Sheriff to collect
tax.

§ 2. The clerk of the county court shall procure a book, and make an entry therein of all bonds issued by the county, the date and amount, and the road issued to, and when due; and for furnishing the book, and making the entries, the clerk shall be paid by the Lewis county court. The clerk shall furnish the sheriff each year the bonds due in that year, and the sheriff shall pay the bonds as they fall due, and in the order they fall due.

1873.

Clerk to register said bonds and furnish sheriff with list of those due, who shall pay same.

§ 3. The additional taxation authorized by this act shall be first used in paying bonds hereafter issued, and the said taxes so collected shall be pledged to redeem the bonds of Lewis county hereafter issued, and said bonds so issued shall be paid in the order that they are issued, and shall draw ten per cent. interest from date, payable annually. The bonds hereafter to be issued shall be used in aiding in the building turnpike roads in said county, and in the subscription to the stock of said roads to aid in building bridges on said roads, as authorized by acts of the General Assembly. In issuing bonds to aid in building bridges on the turnpike roads as authorized, the same shall be paid in the order issued, and the additional taxes authorized to be collected shall be pledged to redeem said bonds, and this shall be entered on said bonds.

How funds so raised to be disposed of.

§ 4. This act shall take effect from its passage.

Approved March 25, 1873.

CHAPTER 564.

AN ACT for the benefit of common school district No. 24, in Larue county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That, on the petition in writing of ten landholders in common school district number twenty-four, in Larue county, the trustees of said district shall appoint a time and place for opening a poll for the purpose of submitting the question whether or not a tax shall be imposed and collected from the taxable property owned by white persons of said district, for the purpose of building or erecting a school-house in said district; and if a majority of the qualified white voters voting shall favor such tax, not to exceed twenty-five cents on the one hundred dollars of taxable property owned by white persons of said district, the said trustees shall order and direct the collection of the same as similar State taxes are collected; and shall disburse the revenues thereof only for the objects for which it was assessed: *Provided*, That previous to the taking of such vote, notices, signed by the trustees,

Upon petition, question of school tax to be submitted to people.

If tax is voted, it shall be levied and collected.

1873. or a majority of them, stating the amount and object of the tax proposed to be raised, and the time and place of taking the vote, shall be posted, by the trustees, at three or more public places in the district, at least fifteen days previous to the holding of said election.

Trustees to appoint officers of election, and their duties.

§ 2. The trustees, or a majority of them, shall have the power to appoint the officers of said election, who shall preside at said election, and shall return a fair and true record of the votes taken for or against such tax to the county court; and if it be found that a majority of the persons voting have favored said tax, such fact shall be certified by the county court to the trustees of said district; and it shall be the duty of the common school commissioner to furnish the sheriff with the boundary of said district, and the amount of tax he is authorized to collect; which tax shall be collected and accounted for by the sheriff, within three months after said boundary is furnished to him as aforesaid; and said money, when collected, shall be paid out upon the order of the trustees, for the purposes herein named; and the sheriff shall be allowed the same commission as he is entitled to for collecting State revenue.

Sheriff to collect tax.

§ 3. This act shall take effect and be in force from its passage.

Approved March 25, 1873.

CHAPTER 565.

AN ACT for the benefit of Cold Spring school district, in Campbell county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Question of school tax to be submitted to people.

§ 1. That the trustees of Cold Spring school district, in Campbell county, shall submit to the qualified white voters of said district the question of levying a per capita tax of one dollar and fifty cents (\$1 50) on each white male citizen in the district over the age of twenty-one years, and an ad valorem tax of fifty cents (50) on each one hundred dollars' worth of taxable property belonging to white persons in said district, for the purpose of raising money to purchase lands and erecting thereon a school-house, such as will meet the demands of the district, or for the purpose of purchasing a house already built. Notices of said election, stating the purpose of said tax, shall be posted in not less than three of the most public places in the district, ten days previous to holding said election. If a majority of the votes cast at said election are in favor of levying the tax, the trustees shall proceed

If tax carries, it shall be levied.

at once to levy the same. The time and manner of holding said election shall be determined by the trustees.

1873.

§ 2. That the assessment of the county assessor shall govern in levying said tax.

§ 3. That the trustees shall have power to appoint a collector of said taxes, who shall have the same power to enforce collection that the collectors of the State and county revenue now have; said collector shall execute bond, with approved security, in the Campbell county court, for the faithful performance of the duties of his office; said collector shall pay over the taxes collected by him, immediately after the collection of the same, to some one authorized by the trustees to receive the same; said receiver also to execute bond, with approved security, in the above named court, for the faithful performance of the duties required of him.

Collector to be appointed, & his powers and duties

§ 4. That this act shall take effect from its passage.

Approved March 25, 1873.

CHAPTER 566.

AN ACT for the benefit of Solomon Downey, pauper idiot, of Henry county.

WHEREAS, It appearing to the Henry circuit court, at its September term, 1871, that Solomon Downey, an idiot, is still alive and in care of his committee, and has not sufficient estate for his support, and that his parents are still unable to support him; and said court having ordered that an allowance of fifty dollars per annum be continued from the last payment to the 7th day of June, 1871, to be paid to his committee, William Petty, and that the same be certified to the Auditor; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the State Auditor be, and he is hereby, directed to draw his order upon the Treasurer, in favor of William Petty, committee of said Solomon Downey, at the rate of fifty dollars per annum, from the 31st of March, 1867, date of last payment, until the 7th of June, 1871, time of re-examination, in favor of said Downey, to be expended by said William Petty for the benefit of said Solomon Downey, to be accounted for by said William Petty in his reports to said court.

§ 2. This act shall take effect from its passage.

Approved March 25, 1873.

1873.

CHAPTER 567.

AN ACT to authorize the county court of Whitley county to increase taxes for county purposes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

County court
may levy tax to
build jail.

§ 1. That for the purpose of erecting a new jail in Whitley county, the county court of said county, a majority of the justices of the peace concurring therein, be, and the same is hereby, authorized and empowered to levy an ad valorem tax not to exceed fifteen cents on each one hundred dollars' worth of taxable property in said county, and a poll-tax not to exceed one dollar upon each poll liable to pay poll tax in said county, in addition to the poll-tax now provided by law.

§ 2. That the tax provided for by this act shall only be levied and collected for the years 1873 and 1874.

§ 3. That the court may levy the tax to be collected for the year 1873 at its next May term (1873), and the tax to be collected for the year 1874 shall be levied by said court at the court of claims in October, 1873.

May list tax with
sheriff or appoint
collector, who
shall give bond.

§ 4. That the county court aforesaid may list the tax levied by virtue of this act with the sheriff of said county for collection, or the court may appoint a special collector of said tax, who shall execute bond, with approved security, for the faithful performance of his duty.

Regulations for
collection of tax.

§ 5. That the person collecting the tax provided for by this act shall pay the same according to the order of said court, and shall be under the same rules and restrictions governing sheriffs in the collection of the county levy and State revenue.

Act to be sub-
mitted to people.

§ 6. That no tax shall be levied and collected by virtue of this act, unless a majority of the votes cast at the next May election in said county shall be in favor of an increase of tax to build a new jail.

When said elec-
tion to be held.

§ 7. That it shall be the duty of the judge of said county at the May election, 1873, to cause the vote to be taken whether or not the tax shall be increased as herein provided.

§ 8. That this act shall be in force from and after its passage.

Approved March 25, 1873.

CHAPTER 568.

AN ACT to incorporate the Oak Ridge Turnpike Road Company, in Mercer county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Commissioners'
names.

§ 1. That Daniel Warner, A. B. Bonta, Jesse Moore, G. J. Johnson, Vincent Warner, Nute Dean, and Charles

Wright, be, and they are hereby, appointed commissioners to receive subscriptions to the "Oak Ridge Turnpike Road Company," a body-corporate created hereby with that name, for the purpose of constructing a turnpike road from a point on the Macksville road, near Davis Hunge's, to run to a point on the Harrodsburg and Cornishville Turnpike Road, near Wm. Carter's, about three miles from Cornishville.

1873.

Name and style.

§ 2. The provisions of the acts and amendments thereto chartering the Harrodsburg and Cornishville Turnpike Road are made a part of this act by reference, as far as not inconsistent.

§ 3. The company may make such arrangements with the turnpike roads into which it runs about the collection of their toll as they deem best, or may establish a gate of their own, and collect toll for any five miles, or fraction thereof.

§ 4. This act shall take effect on and after its passage.

Approved March 25, 1873.

CHAPTER 569.

AN ACT to amend an act, entitled "An act for the benefit of the citizens of Garrard county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section two of an act, entitled "An act for the benefit of the citizens of Garrard county," approved March the 21st, 1872, be, and the same is hereby, repealed.

§ 2. This act to take effect from its passage.

Approved March 25, 1873.

CHAPTER 570.

AN ACT to extend the limits of the town of Paradise, in Muhlenburg county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the corporate limits of the town of Paradise be extended as follows, to-wit: Beginning at the west end of South street, and running in an easterly direction far enough to include the Kirtley House, now occupied by Thomas P. Boggess; thence back to Green river, striking the original line where said line strikes the river.

§ 2. This act to be in force from and after its passage.

Approved March 25, 1873.

1873.

CHAPTER 571.

AN ACT to enable the county court of Laurel county to levy an ad valorem tax for the purpose of building a new jail, and for other purposes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

County court
to levy tax to
build new jail.

§ 1. That the county court of Laurel county is hereby authorized and empowered to levy an ad valorem tax not to exceed ten cents on each one hundred dollars' worth of taxable property in said county; same to be levied annually, from year to year, together with the poll-tax levied by the court of levies and disbursements for said county, until the required sum, with its accumulated interest, is raised for the purpose of building a good and substantial jail.

Court may issue
bonds for said
purpose.

§ 2. That in order to procure the money that the building may be commenced at once, and completed at an early day, said county court is hereby authorized to issue coupon county bonds, in sums in fifty to five hundred dollars each, to be due five years after date, with right of redemption after two years from date by the county; said bonds to bear interest from date at the rate of ten per cent. per annum, to be paid annually, the bonds to be signed by the county judge and attested by the county court clerk, under the seal of his office; and when so issued, to be placed in the hands of a receiver that the county court may appoint; said receiver, when so appointed, shall put said bonds upon the market, and sell a sufficient amount of them to realize a sum not to exceed three thousand dollars; and shall not sell them at a less value than ninety-five cents to the dollar.

Receiver to nego-
tiate bond.

Receiver to exe-
cute bond.

§ 3. That the receiver, so appointed, shall be required to execute bond, with good security, to be approved by the county court, for the faithful performance of his duty, and forthcoming of the money so raised when called for by a building committee, hereafter appointed by the county court, who shall superintend the construction of the building contemplated by this act; and who may check, by order of the county court, upon the receiver for funds and disburse the same.

Officer collecting
tax to be liable on
bond.

§ 4. All sums levied by virtue of this act shall be collected and accounted for by the same officer who collects the revenue tax and county levy of said county for the time being, with like authority and responsibility which appertains to said officer and his sureties in the collection of said revenue tax and county levy.

How funds to be
disposed of.

§ 5. It shall be the duty of the officer so collecting to pay over the amount so raised by virtue of this act to the receiver of the building committee, whose duty it shall be to pay off, with said fund, the annual interest accruing

upon said bonds, or redeem said bonds after the right of redemption, or pay them in full at maturity. 1873.

§ 6. That the county judge and clerk are only authorized to issue county bonds for such amount, and at such times, as the building committee may require the same.

§ 7. This act shall be in force from and after its passage.

Approved March 25, 1873.

CHAPTER 572.

AN ACT to amend the charter of the Lebanon Female College.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act chartering "The Lebanon Female College" be so amended as to read "The Lebanon Baptist Female College."

§ 2. This act shall be in force from and after its passage.

Approved March 25, 1873.

CHAPTER 573.

AN ACT to allow the bona fide voters of the Garnettsville district, in Meade county, to vote for or against the sale of spirituous, vinous, and malt liquors in said district.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. To ascertain the popular sense of the bona fide voters of the Garnettsville district, in Meade county, as to whether spirituous, vinous, and malt liquors may be sold in the limits of said district, that it shall be the duty of the officers who may have charge of the next regular August election in said district, to add to the poll-books two additional columns, one headed "For prohibition," and the other with the words "Against prohibition;" and the county judge shall have posted three notices in three several conspicuous places in said district, ten days prior to said August election, calling public attention to the fact that the proposition to prohibit the sale of spirituous, vinous, and malt liquors in said district shall be voted upon.

Question of prohibiting sale of liquors to be submitted to people.

§ 2. Should the prohibition carry in said district at said August election, then it shall be unlawful for any one to sell any of said liquors in said district, under pain of the penalties now inflicted upon those selling said liquors without license.

If prohibition carries, to be unlawful to sell liquors in said town.

1873. § 3. This act shall take effect from and after its passage.

Approved March 25, 1873.

CHAPTER 575.

AN ACT to amend the charter of the Fisherville and Buck Creek Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the Fisherville and Buck Creek Turnpike Road Company be, and the same is hereby, amended, so as to exempt all hands, subject to road service in Shelby and Jefferson counties, included in the following boundary, from working on dirt roads, viz: Beginning at James Davis', inclusive, and all hands residing on his farm; thence to Mrs. Young's, including all hands residing on her farm; thence to J. T. Aud's, including all hands residing on his farm; thence to Jas. Craverson's, including all hands residing on his farm; thence to Luke Blankenbaker's, including all hands residing on his farm; thence to P. Curry's, including all hands residing on his farm; thence to Mrs. Carpenter's, including all hands residing on her farm; thence to A. Chambers', including all hands residing on his farm; thence to Stephen Taylor's, including all hands residing on his farm; thence to J. Carmichal's, including all hands residing on his farm; thence to Geo. Wisheart's, including all hands residing on his farm; thence to W. Pemberton's, including all hands residing on his farm; thence to Ben Smith's, including all hands residing on his farm; thence to J. W. Harding's, including all hands residing on his farm; thence to Handy Willett's, including all hands residing on his farm; thence to the beginning. Said hands shall be required to work on said turnpike road, whenever required so to do by the president of said company; and in calling out said hands to work said road he shall be governed by the law now in force concerning roads; and for any failure or refusal to work on said road, when notified by the president so to do, said hands shall be subject to all the fines and penalties now provided by law for failure or refusal to work on dirt roads, and said fines shall be collected and recovered in the same way, and when collected, shall be appropriated to repairs on said road.

§ 2. This act to take effect from its passage.

Approved March 25, 1873.

CHAPTER 576.

1873.

AN ACT to amend an act, entitled "An act to incorporate the town of Williamsburg."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the town of Williamsburg," be, and it is hereby, so amended that the trustees of said town shall have power to levy a tax upon all liquor dealers in the corporate limits of said town of not exceeding two hundred and fifty dollars per annum, which, when collected, shall be applied as provided in the act incorporating said town.

§ 2. That all acts or parts of acts in conflict with this act, are hereby repealed.

§ 3. This act shall take effect from its passage.

Approved March 25, 1873.

CHAPTER 577.

AN ACT to amend the charter of the Kentucky Masonic Relief Association.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the fourth section of an act to incorporate the Kentucky Masonic Relief Association, approved March 15, 1871 be, and the same is hereby, amended by reducing the number of directors of said association from twenty-five to fifteen, and adding to said section the following words: "and five members of the board shall constitute a quorum for the transaction of all business of the association"

§ 2. This act shall take effect from its passage.

Approved March 25, 1873.

CHAPTER 579.

AN ACT to amend the charter of the Simpsonville and Buck Creek Turnpike Road Company, in Shelby county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the Simpsonville and Buck Creek Turnpike Road Company, in Shelby county, be, and the same is hereby, amended so as to authorize and empower said company to complete and finish the remainder of said road with ten (10) feet width of metal; and the construction of that portion of said road now finished with ten (10) feet width of metal is hereby legalized and made valid.

Road may be completed with certain amount of metal on same.

1873.

May erect toll-
house and collect
toll.

§ 2. That said company is hereby authorized and empowered to erect a toll-house on the end of said road next to Simpsonville, and collect full toll at said gate.

§ 3. That all the hands subject to road service in said county, embraced in the following boundary, viz: beginning at George Price's, inclusive; thence to L. W. Wright and F. C. French's, inclusive; thence to the junction of the Simpsonville and Buck Creek Turnpike Road with the Louisville and Shelbyville Turnpike Road, at Simpsonville; thence with said turnpike, and so as to include the residence of R. H. George, to Gordon Logan's, inclusive; thence to the beginning, so as to include Beverly King (of color) and exclude the lands of John Conner and Newton Griffith; be, and the same are hereby, exempted from road service on any other road in Shelby county; but shall be required to do road service on the side-road of said turnpike road, from Simpsonville to where said road crosses the Brunerstown road, whenever so required to do by the president of said company; and for failure or refusal to work on said road, when so required, shall be subject to the same fines and penalties now imposed by law for failure or refusal to work on county roads; and said fines and penalties shall be collected and recovered in the same way as now prescribed by law, and when collected, shall be applied to the repairs of said road.

§ 4. This act shall take effect from its passage.

Approved March 25, 1873.

CHAPTER 580.

AN ACT to incorporate the Buffalo Furnace Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators'
names.

Name and style.

Corporate pow-
ers.

Object.

§ 1. That C. Culbertson, W. R. Earheart, Calvin Doty, J. W. Kowns, and Jas. C. Irvin, their associates and successors, are hereby incorporated and made a body-politic, by the name and style of "Buffalo Furnace Company;" and by that name may sue and be sued, plead and be impleaded, in all courts and places; contract and be contracted with, in all matters pertaining to the business and objects of the corporation, and do any and all acts which a corporation incorporated for similar purposes may or can do in fulfillment of its charter and objects and ends of its organization; may have a common seal, which may be changed and altered at the pleasure of the company.

§ 2. The object and purposes of the incorporation of said company shall be the mining for coal, iron ore, and any and all other minerals, or mineral substances,

or the direct products of the earth, or any and all of them, and the manufacture and refining of any or all of them, and transportation to market of the same. 1873.

§ 3. The location and field of mining and manufacture of said company shall be in Greenup and Carter counties.

§ 4. The capital stock of said company shall be one hundred thousand dollars, to be increased by a vote of a majority of the stock in value to any sum not exceeding five hundred thousand dollars, to be divided into shares of one hundred dollars each, which shall be personal property, and assignable in such manner as may be prescribed by the by-laws of the company; and lands and other real estate, mines and mining rights, may be subscribed as a part or the whole of said stock, upon such terms as may be agreed upon by the subscribers and the company. Capital stock.

§ 5. The stock, property, and general prudential affairs of said company shall be managed by a board of not less than three nor more than seven directors, to be chosen for one year by the stockholders, and every stockholder shall have one vote for each share owned by him, her, or them: *Provided*, The directors first elected shall hold their office for the remainder of the current year: *And provided further*, That a president and vice president of the board shall also be elected by the directors from among them or the stockholders, who shall hold their office for the same term with the directors. The president and directors shall be stockholders of the company, and they may appoint such other officers and agents and employees as they may deem proper. A majority of the directors shall constitute a quorum. Directors to control affairs.

§ 6. The company shall keep a book, which shall be open to the inspection of the stockholders, and each of them at all times, in which shall be kept the names and amount of stock held and owned by each stockholder, and the amount paid in; also a book in which shall be kept a full and faithful account of the proceedings, elections, and by-laws and acts of said company, except its accounts and contracts with individuals. Company to keep records.

§ 7. The president and directors may make such by-laws as they may deem proper, prescribing the times, places, and manner of holding elections, the transferring of stock, the forfeiture thereof for non-payment, the time and manner of payment, the duties of officers, agents, and employees, their authority and powers, filling vacancies in office, the character, kind, and amount of business, and all such as may be necessary for the proper prudential and effective management of the property and business of the corporation, and the objects and interest of its creation: *Provided*, The same are not repugnant Board may make by-laws, &c.

1873. to this act, the Constitution and laws of this State, and of the United States.

May acquire
real and personal
property.

§ 8. Said company shall have power to take, acquire, and hold such lands, mines, and mining rights, as they may deem necessary for the uses of said company, and all such personal property, machinery, boats, floats, &c., as may be necessary, and to dispose of, for the use of the company and the stockholders, any or all of the same.

May construct
railway and con-
demn right of
way for same.

§ 9. The company shall have power to build and construct a railway or tramway, one or more, from their mines and lands, to any other rail or tramway, or to the Ohio river, or any other navigable river of the State: *Provided*, For the condemnation of the right of way, or lands for said purposes, the same proceedings shall be had as prescribed by the Revised Statutes for the condemnation of lands for the use of turnpike and plank roads: *And provided*, The same shall not obstruct any public highway or navigable stream.

§ 10. This act shall take effect and be in force from its passage.

Approved March 25, 1873.

CHAPTER 581.

AN ACT to amend an act, entitled "An act to amend and reduce into one the several acts incorporating the town of Brooksville, in Bracken county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section ninth of an act, entitled "An act to amend and reduce into one the several acts incorporating the town of Brooksville, in Bracken county," be, and the same is hereby, so amended as to authorize the trustees of said town to appoint a police judge, to fill any vacancy in said office that may occur, until the next regular election for trustees of said town, when a police judge shall be elected to fill the unexpired term.

§ 2. That this act shall take effect after its passage.

Approved March 27, 1873.

CHAPTER 582.

AN ACT for the benefit of R. F. Scott, sheriff of Garrard county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts is hereby authorized and directed to credit the revenue account of R. F. Scott, sheriff of Garrard county, for the year 1872,

with the sum of five hundred and sixty-eight dollars and sixty-eight cents, the amount of the twenty percent. damages paid by said sheriff on a judgment of the Franklin circuit [court] on his revenue account for the year 1871.

1873.

§ 2. That upon the return to the Auditor, properly certified by the county court, the Auditor's delinquent list charged to said sheriff, in his settlement for the year 1871, or any part thereof, the Auditor shall place the amount so returned, less his commission, four per cent. thereon, to the credit of said sheriff, on his revenue account for the year 1872.

§ 3. This act shall take effect from its passage.

Approved March 27, 1873.

CHAPTER 583.

AN ACT to amend the charter of the Elizabethtown and Paducah Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Any mortgage which the Elizabethtown and Paducah Railroad Company is authorized to make may cover property to be subsequently acquired, or road to be subsequently constructed.

§ 2. This act shall take effect immediately upon its passage.

Approved March 29, 1873.

CHAPTER 584.

AN ACT to incorporate the Deposit Bank of Cynthiana.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby created and established in Cynthiana, Kentucky, a deposit bank, which shall be a body-politic and corporate, by the name of the Deposit Bank of Cynthiana; and shall have power and authority in that name to contract and be contracted with, sue and be sued, plead and be impleaded, answer and defend, in all courts and places as a natural person; and may have and use a common seal, and alter and change the same at will.

Name.

Corporate powers.

§ 2. The property, business, and affairs of said bank shall be under the management, government, and control of a board of seven directors, one of whom shall be

Affairs to be under control of directors.

1873. elected president of the board, and T. J. Megibben, Wm. A. Webber, Jno. W. Peck, W. W. Trimble, W. W. Cleary, Caleb Musser, and Spears M. Smith are hereby constituted and appointed a board of directors for said bank, to serve as such until others are duly elected and qualified; and should any of the persons above named fail or refuse to qualify and serve as directors, his or their place or places may be declared and treated as vacant, and the

Corporators' names. Vacancies—how filled. Election and term of office of directors. Books of subscription may be opened.

the vacancy may be filled by the remainder; and all vacancies accruing in the board of directors may be filled by the other directors, who shall provide for an election of directors by the stockholders within one year from the organization of the company, and every year thereafter at the office of said bank, in the city of Cynthiana, notice of which shall be given in one or more papers published in Cynthiana; and said election shall be held by three stockholders appointed by the board of directors, who shall certify the result for record on the books of the bank; those having received the highest number of votes shall be declared duly elected, each stockholder to have one vote for each share of stock he or she may own, and may cast the same in person or by proxy. The board may regulate the form of proxy in casting the vote. The board of directors herein named, after having given at least thirty days' notice thereof in some newspaper printed in Cynthiana, shall open books for the subscription of the capital stock of said institution at Cynthiana, and such other places as they may deem advisable, and cause said books to be kept open from ten o'clock, A. M., until two o'clock, P. M., at least ten days, or until at least two hundred and fifty shares shall have been subscribed, when the same may be closed; and if more than five hundred shares shall have been subscribed by individuals, companies, or corporations, then the directors shall pro rata the subscriptions; and said directors shall prescribe how and when said subscription shall be paid. At any time when the books may be reopened for the subscription of additional stock as herein provided for, the same notice shall be given; and they shall be kept open for the length of time as herein required, and the president and directors may require such premium on the stock sold at the reopening of the books as they shall deem right; and such premium shall be the property of the institution.

Capital stock. When bank may commence business.

§ 3. The capital stock of said bank shall be five hundred shares of the par value of one hundred dollars each; but may be increased, from time to time, to one thousand shares, as the board of directors may deem advisable and proper; and whenever as many as two hundred and fifty shares of said stock shall have been subscribed and paid in, in accordance with the terms and conditions upon

which the same were subscribed, and an affidavit to that effect has been made by the president, before the clerk of the Harrison county court, said bank may proceed to transact a general banking and financial business, and may loan money, discount promissory notes, buy and sell exchange, stocks, bonds, and other securities; and promissory notes or any other paper, which may be discounted by said bank, and inland bills of exchange which may be discounted or purchased by it, shall be, and they are hereby, put upon the footing of foreign bills of exchange; and like remedy may be had thereon, jointly and severally, against the makers, drawers, indorsers, or other parties thereto.

1873.

§ 4. The said bank may acquire and hold and possess and use, occupy and enjoy, all such real and personal property, goods, chattels, or other things, as may be convenient for the transaction of its business, or which may be pledged or conveyed to it as security for any debts, or purchased in satisfaction of any debts, judgments, or decree, and sell and convey, or otherwise dispose of the same, except real estate, as a natural person; and it shall be the duty of the president or cashier of said bank, during the first week in each year, to pay into the Treasury of this Commonwealth fifty cents on each hundred dollars of capital stock held and paid for in said bank, which shall be in full of all tax and bonus, and be a part of the common fund of this Commonwealth.

May acquire and hold real and personal property, and dispose of same.

State tax.

§ 5. The said bank shall have power to make advances on approved securities of any kind; and it may receive stocks, bonds, and other things in pledge for the security of money loaned or debts owing, and sell the same on the non-payment of the debts or demands, in pursuance of the provisions of an act, entitled "An act for the benefit of the incorporated banks of Kentucky," approved March 16th, 1872. Said bank may receive deposits of gold, silver, bank notes, United States Treasury notes, or other currency, and pay the same in kind, or as may be agreed upon, by special or general contract; and may allow interest on deposits, not to exceed the rate allowed by the laws of this Commonwealth. It may issue certificates of credit, payable throughout the United States and elsewhere, for the convenience of merchants and travelers; but shall not issue any notes or bills to circulate as money.

May do general banking business.

§ 6. The board of directors of said bank are hereby authorized and empowered to enact and put in force such rules, by-laws and regulations, for the management, government, and control of its property, business, and affairs, as they may deem expedient, and alter, amend, and repeal the same at will; and shall specify therein

Board may make by-laws, &c.

1873. the number of directors necessary to constitute a quorum for the transaction of business. They may appoint such officers, agents, and servants as they may deem necessary to conduct the business of the bank, and pay them such sums for their services, and take from them bonds in such penalties, to secure the faithful performance of their duties, as they may think reasonable and proper; and upon any bonds thus taken recovery may be had for breaches of the contract thereof. If any officer of the bank shall appropriate any funds of said bank to his own use, or shall willfully fail to make correct returns, or knowingly make false ones, on the books of said bank, with the intent to cheat or defraud the corporation or other persons, such officer shall be deemed guilty of felony, and shall, upon conviction thereof, be sentenced to confinement in the jail or penitentiary of this Commonwealth for a period of not less than two nor more than five years.

To appoint officers & take bond.

Penalty for fraud in officers.

Stock to be personal property.

§ 7. The stock of said bank shall be deemed personal property, and shall only be assigned in accordance with such rules as the board of directors shall, from time to time, prescribe.

§ 8. This act shall take effect from its passage, and remain in force for twenty-one years from the first organization of the said institution: *Provided*, It is organized within one year from its passage.

§ 9. The General Assembly shall have the right to examine into the affairs of said corporation by any committee they may appoint for that purpose; and reserves the right to alter, amend, or repeal this act at pleasure.

Officers not to go security.

§ 10. That it shall not be lawful for the president, or any of the directors, to become bound as security, or accommodation indorser, on any note or bill discounted in said institution, and such paper shall not be discounted.

[Became a law without the Governor's signature, March 29, 1873.]

CHAPTER 585.

AN ACT to incorporate the Bank of Madisonville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Capital stock.

§ 1. That there is hereby established a saving and deposit bank in the town of Madisonville, Hopkins county, Kentucky, with a capital of one hundred and fifty thousand dollars, in shares of one hundred dollars each, to be subscribed and paid for as hereinafter specified; and the subscribers, their associates, successors, and assigns, shall be a body-politic and corporate, by the name and style of

Name and style.

the Bank of Madisonville, and shall so continue for fifty years from its organization; and shall have all the rights and privileges of a natural person in contracting and being contracted with, in suing and being sued, and of impleading, answering, and defending, in all courts and places whatever; said bank may have and use a common seal, and change the same at pleasure.

§ 2. Said bank shall be under the control and management of five directors, who shall be stockholders residing in this State, each of whom shall own, in his own right and name, at least ten shares of stock; and they shall hold their office until their successors are elected and qualified, and after the first election, shall be elected the first Monday in January in each year, or as soon thereafter as is practically convenient; and in case of a vacancy, the remaining [directors] shall have power to appoint a qualified stockholder to fill it; they shall elect one of their number president, who shall preside at their meetings, and perform such other duties as may be assigned him by this charter and their by-laws; they shall have power to sell any of the stock unsold; to declare dividends arising out of the business of said bank; to appoint such officers, agents, and employees as they may deem necessary to conduct the business of said bank, and pay them for their services; to take from the president, cashier, and other employees such bond as they may deem reasonable and proper to secure a faithful performance of their respective duties; and to make such by-laws as they may deem necessary for the proper management of the affairs of the bank: *Provided*, The same be not contrary to the Constitution and laws of this State or of the United States. The stock shall be deemed personal property, and shall be transferable only on the books of the bank by the stockholder, his agent or attorney, under such rules and regulations as the directors, from time to time, shall establish.

§ 3. That John G. Morton, Geo. W. Noel, Polk Laffoon, N. M. Holeman, and S. H. Woolfolk, are hereby appointed commissioners, any two of whom may open books, in the town of Madisonville, Kentucky, and receive subscriptions for the capital stock of said bank; and when forty thousand dollars or more of said stock has been subscribed, it shall be their duty to give notice to the stockholders, and appoint a day for the election of a board of directors, who shall hold their office until the ensuing annual election, and until their successors are elected and qualified. The payment of the shares subscribed for shall be as follows, viz: five dollars on each share on the day of subscribing, and ten dollars within ten days after the election of the first board of directors, and the remainder

1873.

Directors to control affairs.

When elections to be held.

Vacancies—how filled.

Powers of directors.

Commissioners' names and duties

1873.

Upon failure to
pay calls, stock
may be forfeited.

in such amounts, and at such times, as the directors may require; and should any of the subscribers fail to pay their subscriptions of stock, as herein provided, after giving thirty days' notice, in writing, of their intention to do so, evidence of service to be affidavit of the person executing the notice, filed with the bank, the board of directors may, by resolution entered on their records, forfeit such, and sell the same for the benefit of such subscriber or stockholder: *Provided*, That no one call shall be for a larger amount than thirty dollars per share, and at a shorter notice than thirty days. And said corporation may commence business so soon as twenty thousand dollars shall have been paid in as capital, and forty thousand dollars subscribed; and the president and directors first elected shall make oath, before some officer authorized to administer oaths, that the said twenty thousand dollars have been paid in, in money or treasury notes, or recognized currency.

May do general
banking business.

§ 4. Said bank may receive deposits of gold and silver coin, bank notes, and other notes which may be lawfully circulated as money, and repay the same in such manner, at such times, and with such rate of interest, not exceeding six per cent., as may be agreed on with the depositors, by special or general contract; may deal in the loaning of money; may buy and sell bills of exchange, promissory notes, uncurrent money, stocks, bonds, gold and silver coin, and other evidences of debt; take personal and other securities for the payment of the same, and dispose of such stocks, bonds, and securities in accordance with the provisions of an act, entitled "An act for the benefit of the incorporated banks of Kentucky," approved March 16, 1871. All promissory notes made negotiable and payable in this bank, or other banks of this State authorized by law to discount such notes, and inland bills of exchange which may be discounted and owned by said bank, shall be, and are hereby, put upon the footing of foreign bills of exchange; and like remedy may be had thereon, jointly and severally, against the drawers, acceptors, and indorsers.

§ 5. Said bank may receive deposits from minors and married women, and the receipts and acquittances of such minors and married women shall be valid.

May acquire and
hold real and per-
sonal estate, and
dispose of same.

§ 6. Said bank may acquire, hold, and use all such real estate, goods and chattels, as may be necessary and convenient for the transaction of its business, or which may be conveyed to it as a surety for, or purchased in satisfaction of, any debt, judgment, or decree, and sell convey the same; and may buy its own stock in payment of a debt, judgment, or decree; but shall resell the same as soon as it is practically convenient.

§ 7. Every stockholder shall be individually liable to the creditors of the bank to the full amount of the unpaid stock subscribed for and owned by him; but when the same shall have been paid for in full, then no further individual liability attaches to said stockholder.

1873.

Liability of stockholders.

§ 8. It shall be the duty of the president, [on] the first Monday in January in each year, to pay into the Treasury of the State fifty cents on each one hundred dollars of stock held and paid for in said bank, as ordinary revenue of the Commonwealth, which shall be in lieu of, and in full of, all tax or bonus.

State tax.

§ 9. It shall not be lawful for said bank to issue any notes or bills to circulate as money.

§ 10. At all elections by the stockholders each share shall be entitled to one vote; and the stockholders may be represented by proxy.

§ 11. The president, directors, and other officers of said bank, previous to the entering on the discharge of their duties, shall take an oath, before some justice of the peace, notary public, county or police judge of this State, faithfully, and to the best of their skill and judgment, to discharge all the duties of their respective offices and stations under this charter, or which may be required of them by the by-laws, rules and regulations, of the corporation; and that they will not, during their continuance in office, sanction or permit any of the provisions of this charter to be violated.

Officers to take oath.

§ 12. If any cashier, clerk, teller, or other officer, agent, or servant shall appropriate any of [the] funds of said corporation to his own use, or shall willfully fail to make correct entries, or knowingly make false ones, on the books of said corporation with intent to cheat or defraud the corporation, or other persons, such cashier, teller, clerk, or other officer or agent or servant, shall be deemed guilty of felony, and, upon conviction thereof, shall be confined in the penitentiary of this Commonwealth for a period of not less than two nor more than five years.

Penalty for fraud in officers.

§ 13. The Legislature reserves the right to amend, alter, or repeal this charter at pleasure.

§ 14. This act to take effect from its passage.

[Became a law without the Governor's signature, March 29, 1873.]

1873.

CHAPTER 586.

AN ACT for the benefit of the Falmouth and Claysville Turnpike Road, in Pendleton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Commissioners
to report property
and property-
holders living in
mile and half of
road.

§ 1. That upon the written application of a majority of the real estate owners, whose property is to be assessed under this act, living along the line of the projected Falmouth and Claysville Turnpike Road, in the said county of Pendleton, and within one and one half miles of said road, made to the county court of said county, said court may appoint five commissioners, any three of whom may act, neither of whom shall live nearer than five miles to the road which it is proposed to pike ; which said commissioners, when so appointed, shall proceed to ascertain the amount of real and personal property owned by each individual living within one and one half miles of the line of said road, and shall make a full and complete report thereof to said county court.

Property-holders
to elect directors.

§ 2. That upon a report made as provided in section first of this act, the said court shall order an election to be held for the election of seven directors, to be selected from the list of the property-holders along the line of said road, as reported by the commissioners under the provisions of the first section of this act ; and at such election, no one shall be deemed entitled to vote for such directors except the list of property-holders above named.

§ 3. At all elections for directors held under this act, each property-holder shall be entitled to representation in proportion to the amount of property owned by him or her, allowing such property owner one vote for each one hundred dollars' worth of property : *Provided*, That any person owning less than one hundred dollars' worth of property, as reported by said commissioners for taxation, and more than fifty dollars' worth, as shown by said commissioners' report, shall be entitled to one vote at such election for directors.

Eligibility of
director.

§ 4. No person, other than a property-holder along the line of said road, as reported by said commissioners, shall be deemed eligible as a director.

Directors to elect
officers.

§ 5. The said directors, when so elected, shall proceed to select one of their own number as president, and another as treasurer of said company, whose duties, powers, and obligations shall be such as are conferred and imposed by the provisions of the general turnpike laws of this Commonwealth.

When directors
are elected, tax
to be levied.

§ 6. The said commissioners, appointed under the first section of this act, shall, upon the election of the president and directors of said road, as hereinbefore provided, proceed to assess a tax upon all the property reported by

them to the said court as before provided. for the purpose of constructing or completing the turnpike thereon ; such tax to be levied in proportion to the benefits to accrue to such property, as in the opinion of said commissioners may be equitable and just ; but said tax shall in no case exceed five dollars upon the one hundred dollars' worth of property ; and when said assessment is made, it shall be returned by the said commissioners to the said county court.

1873.

§ 7. When the assessment shall have been made, as herein provided, and approved by the county court, the said treasurer shall proceed to collect the same, and for that purpose shall have the power and privileges by the laws of this Commonwealth ; but before proceeding to collect the said taxes, he shall execute bond for the full amount of the said tax so levied, with good and sufficient security, to be approved by the president and board of directors, and conditioned for the faithful performance of his duties, and the said bond shall be filed with the president of said board of directors.

Treasurer to execute bond and collect tax.

§ 8. The said president and directors shall have power to appropriate the money arising from the tax so levied and collected to the construction and completion of said turnpike road.

How funds to be used.

§ 9 The president and directors shall have power to receive and apply to the construction of said turnpike road such subscription as the county court, or any person or persons, corporation or company, may see proper to appropriate to said road ; and shall be authorized to erect toll-gates upon said road, and collect tolls thereon, as provided for by the general turnpike laws of this State.

Directors may receive subscriptions.

§ 10. The election for president and directors of the turnpike road constructed under this act shall take place annually.

§ 11. Certificates shall be issued by the secretary to each person for his or her tax, when paid, and upon presentation of such certificates, in sums of not less than fifty dollars, stock in said company shall be delivered by said treasurer.

§ 12. At all elections for president and directors other than the first one held under this act, each stockholder shall vote one vote for each fifty dollars' worth of stock owned or held by such person.

§ 13 Stock may be voted by proxy ; but no person other than a stockholder shall be entitled to vote, except it be when acting as proxy.

§ 14. This act shall take effect from and after its passage.

Approved March 29, 1873.

1873.

CHAPTER 587.

AN ACT to incorporate the Augusta and Mount Olivet Turnpike Road Company, in Bracken and Robertson counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Name and style.

§ 1. That a company be, and is hereby, created, under the name and style of the "Augusta and Mount Olivet Turnpike Road Company," which shall be a body-politic and corporate, for the purpose of constructing a turnpike road, on the McAdams plan, from such point as a majority of the stockholders may select, at or near Augusta, or on some of the turnpike roads leading to Augusta, in Bracken county; thence by the most practicable route to the town of Mount Olivet, in Robertson county.

Capital stock.

§ 2. That the capital stock of said company shall be forty thousand dollars, which may be increased not to exceed sixty thousand dollars, divided into shares of fifty dollars each.

Books to be opened for subscriptions of stock

§ 3. Books shall be opened at convenient places for the subscription of stock in said company, under the direction of J. W. Armstrong, Joseph Doniphan, H. C. Black, B. O. Hollis, and Thomas Owens, any one of whom may procure a book or books, in which the subscribers of stock to said company shall enter into the following obligation: "We, whose names are hereunto subscribed, do respectively promise to pay to the Augusta and Mount Olivet Turnpike Road Company the sum of fifty dollars for each and every share of stock in said company set opposite our names, in such manner and proportion, and at such times, as shall be required by the president and directors of said company.

§ 4. The book or books shall be opened as soon as said commissioners may think proper, and remain so until the whole capital stock, or enough to complete the road, shall have been subscribed.

Notice to be given, and meeting held to elect officers.

§ 5. As soon as a sufficient amount to build three fourths of said road has been subscribed, it shall be the duty of the commissioners, or some one of them, to give notice of a meeting of the stockholders of said company, at some convenient point, for the purpose of choosing officers, which shall be given by notices put up at three of the most public places on the line of the contemplated road, for at least ten days previous to the meeting; and at said meeting at least two of the commissioners must be present to superintend the election. There shall be elected a president and five directors, who shall hold their office for one year from the day of said election, and until their successors are elected and duly qualified.

Directors to elect officers and require bond.

The said directors shall elect a treasurer, and such other officers as they may deem necessary; and said treasurer

shall, before entering upon the duties of his office, execute bond, with security, to be approved by the directory, to the effect that he will perform the duties of his office; and whenever a demand shall be made upon him by the directory, or their authorized agent, shall pay over any and all sums of money that may be in his hands as treasurer.

1873.

§ 6. The stockholders, at all elections, shall be entitled to one vote for each share of stock in said company for the first ten shares or less than ten shares; for the second ten shares said stockholder shall be entitled to five votes; and for each succeeding ten shares one vote, which vote or votes may be given in person or by proxy, in writing.

§ 7. It shall be lawful for the president and directors, with their superintendents, engineers, and workmen, with their tools, instruments, carts, wagons, and other carriages, with their beasts of draught or burthen, to enter upon the land in and over, contiguous, and near to which said road shall pass, having first given notice of their intention to the owners or occupants thereof, or their agents: *Provided*, That if the president and directors shall not agree with the owners of said land, over or through which said road is to pass, as to damages the owner or owners may sustain by reason of the road passing through their lands, the president and directors shall apply to the county court of the county in which said lands are situated for a writ of *ad quod damnum* to assess the damages which may be sustained by the owner or owners of said land; and upon the payment or tender of the damages assessed, it shall be lawful for the president and directors to open and make said road, and dig and carry away any stone, gravel, or other material necessary for the construction or repairing said road, after paying the owner for the full value of the same.

May enter upon
and condemn
lands for right of
way, &c.

§ 8. the president and directors shall severally take an oath faithfully to discharge the duties of their respective offices to the best of their ability.

Directors to
take oath.

§ 9. The grade of said road shall not exceed five degrees, and the stone on same shall be not less than fourteen feet wide, and an average of nine inches deep; the width of the road, outside of the metal on the same, shall be left to, and in the discretion of, the directors of said road.

Grade and width.

§ 10. That the president and directors of said road shall be authorized to erect a toll-gate or toll-gates on said turnpike road, when the same is completed and examined by three justices of the peace no ways interested in the road, who shall be appointed by the county court, who, with the aid of some competent person as engineer, shall view the road and report its quality and condition. The

When gates may
be erected and
tolls collected.

1873. justices and the engineer shall be paid by the company one dollar per mile for every mile so examined. Upon hearing the report, and any exceptions or proof that may be made in relation thereto, if it appear that the road has been constructed according to law, the court shall make an order authorizing the erection of the gate or gates, and the collection of toll in pursuance to the rates established by law.

Road may be let out to contractors.

§ 11. That the president and directors shall have power to let out said road to contractors on such terms and in such proportions as they may deem beneficial to the interests of said company.

Stockholders to be exempt from work on other roads.

§ 12. That each and every stockholder in said road shall be exempt from working or furnishing hands to work on any other road to the extent of one hand for every two shares or one hundred dollars of stock subscribed and paid to said company.

Corporate powers.

§ 13. That said company may sue and be sued, plead and be impleaded, contract and be contracted with; and in all litigations shall be dealt with as a natural person.

Proceedings in cases of failure to pay for stock.

§ 14. That any of the stockholders in said road, failing to pay their calls when due, shall be subject to suit in any of the courts in this Commonwealth having jurisdiction of the matter in controversy; they shall likewise pay interest at the rate of six per cent. per annum thereon until paid.

Directors to keep records.

§ 15. It shall be the duty of the president and directors to keep a record of their proceedings in a well bound book, and the same shall be open to inspection by the stockholders in said road at all times.

§ 16. This act to take effect from its passage.

Approved March 29, 1873.

CHAPTER 588.

AN ACT to incorporate the Prestonsburg Academy and Normal School Joint Stock Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators' names.

Name and style.

§ 1. That Jos. M. Davidson, William J. May, Alexander L. Martin, Jas. H. Hatcher, and William H. May, be, and they are hereby, incorporated and declared a body-politic, by and under the name and style of the Prestonsburg Academy and Normal School Building Joint Stock Company; and they, and their successors in office, under and by that name to have perpetual succession, sue and be sued; hold and acquire property and estate, real and personal, which may be necessary and proper for educational purposes, which shall be held and managed for the pur-

poses of education, for the use and benefit of the stockholders in the said corporation.

1873.

§ 2. The above named persons, or their successors in office, shall have full and ample power to acquire by purchase, donation, or otherwise, property, either personal or real estate, for the said purposes, and to sell and convey the same; and any purchase or purchases of real estate or personal property heretofore made by Jos. M. Davidson and William J. May, acting as trustees for said Academy and Normal School Building Joint Stock Company, are, and the same are hereby, validated, so far as the General Assembly have power so to do.

Corporate powers.

§ 3. Twenty-five dollars shall constitute a share in the stock of said company; and for each paid up share as aforesaid the owner shall be entitled to a certificate for the same, or for any number of shares taken, to be signed by the president and secretary of the board of trustees hereinafter provided for.

Amount of shares of stock.

§ 4. The board of trustees hereby incorporated are authorized to elect one of their number president of the board, and another secretary; and in the event of a vacancy by death, resignation, or otherwise, the remainder of the board of trustees shall have power to fill said vacancy in such manner as they may deem proper.

Board to appoint officers, fill vacancies, &c.

§ 5. The board of trustees shall have power, in their corporate capacity, to issue bonds drawing interest at a rate not to exceed ten per cent. per annum, to pay off and liquidate any outstanding indebtedness contracted heretofore by the acting trustees of said institution in the erection of said Prestonsburg Academy and Normal School Building, and in furnishing the same.

May issue bonds.

§ 6. That the holders of such bonds as may be issued as provided for in section (5) five of this act shall have a special lien for their payment upon the said school building and the grounds upon which the same is erected, which lien may be enforced in any court having competent jurisdiction.

Lien to exist to secure bonds.

§ 7. The board of trustees, as provided for in this act, shall consist of five persons; and a majority of whom shall constitute a quorum to do business.

Of whom board to consist.

§ 8. The said corporation shall have the same powers and perform the same duties [as] similar corporations have under the general laws.

§ 9. This act shall take effect and be in force from its passage.

Approved March 29, 1873.

1873.

CHAPTER 589.

AN ACT to amend the act incorporating the Cabin Creek Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said company is authorized to change the location of said road so as to cross Cabin creek (the south fork), near Henderson's house; and from thence, on the south side of said creek, to the Mason and Lewis county line, and form a junction with the Bull creek branch road.

§ 2 That said company may extend their road up Cabin creek so as to intersect the Vanceburg, Salt Lick, Tollsboro, and Maysville Turnpike Road; but shall not tax any person paying tax on said road.

§ 3. In order to assist said company in building a bridge across Cabin creek, the county court of Lewis county may subscribe one thousand dollars stock, in addition to the one thousand per mile, and issue the bonds of Lewis county to said company for said amount, and Lewis county shall have stock to that amount in said company, which bonds shall draw the same interest as the bonds authorized by the original act.

§ 4. That said company shall only elect two directors for said road.

§ 5. This act shall take effect from and after its passage.

Approved March 29, 1873.

CHAPTER 590.

AN ACT to incorporate "The St. Patrick's Benevolent Society of Paris."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators' names.	§ 1. That John Norman, president; Dan. Roach, vice president; John T. Doyle, secretary; Thomas Roach, assistant secretary; Michael Murry, No. 2, treasurer; Martin Higgins, Michael C. Murry, No. 3, Luke Clancy, John Reynolds, Martin Doyle. Darby King, Patrick Delan, George Gregory, and Michael O'Connell, their successors and associates, be, and are hereby, created a body-corporate and politic, under the name and style of "The St. Patrick's Benevolent Society of Paris," and as such shall have perpetual succession; may sue and be sued, contract and be contracted with, and have, and at pleasure break and alter, a common seal.
Name and style.	

Object and powers.	§ 2. The object and purpose of said society shall be the intellectual, moral, and social improvement of its mem-
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bers, and works of benevolence and charity; and for these purposes the society shall have power to adopt a constitution and by-laws, not inconsistent with the laws of the State of Kentucky, and alter and amend the same at pleasure; and may acquire by purchase, gift, or otherwise, real estate, books, money, or other property, not exceeding fifty thousand dollars in value, and may sell and dispose of the same at pleasure; and may do such other acts not inconsistent with law necessary to carry out the objects of the society.

1873.

§ 3. That the number, name, and duties of the officers of said society shall continue in accordance with the present constitution and by-laws thereof until the said constitution and by-laws are adopted under this act, or otherwise altered or amended.

§ 4. This act shall take effect from its passage.

Approved March 29, 1873.

CHAPTER 591.

AN ACT for the benefit of school district No. 34, in Garrard county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustees of common school district No. 34, in Garrard county, be, and they are hereby, authorized and empowered to order an election to be held in said district, at any time they may think proper: *Provided*, That said trustees shall give at least ten days' notice of said election, by written advertisements, to be posted up in two or more of the most public places in said district; the election to be held and conducted as in elections for common school trustees, to take the sense of the qualified white voters of said district on the propriety of levying a tax on all the taxable property in said district listed by white persons for taxation, for any amount not to exceed fifty cents on the one hundred dollars of taxable property for any one year, until a sufficient amount is collected to build, or pay for one already built, a good and sufficient school-house, not to exceed four hundred dollars.

Question of school tax to be submitted to people.

§ 2. That if there be a majority of those voting in favor of levying said tax, the trustees may proceed at once to make said levy on all property listed in said district for State revenue, and subject to taxation according to the provisions of the first section of this act.

If tax carries, it shall be levied.

§ 3. All property assessed under the provisions of this act shall be subject to all distraints, and no property shall be exempt from sale for the tax thereon.

No property to be exempt.

1873.

Sheriff to collect
tax.

§ 4. The said tax shall be collected by the sheriff of the county as the revenue is now collected, and paid over to said trustees, less his commission.

Trustees to execute
bond.

§ 5. The trustees of the aforesaid school district shall execute bond, with good security, in the county court, for the faithful performance of the duties enjoined upon them in this act.

§ 6. This act shall take effect from its passage.

Approved March 29, 1873.

CHAPTER 592.

AN ACT for the benefit of Barney Sisk, jailer of Hopkins county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant upon the Treasurer for the sum of one hundred and thirty-three dollars, in favor of Barney Sisk, jailer of Hopkins county, for keeping a pauper lunatic, one Alonzo Gooch, from the 25th day of October, 1871, until the 25th day of June, 1872, eight months, to be paid out of any money in the Treasury not otherwise appropriated.

§ 2. This act to take effect and be in force from and after its passage.

Approved March 29, 1873.

CHAPTER 593.

AN ACT to amend the charter of the Winchester and Muddy Creek Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That no person shall be permitted to haul upon the Winchester and Muddy Creek Turnpike Road, at any one load, in any vehicle or wagon, more than twelve thousand pounds.

§ 2. Any person violating the above provision shall be liable to a fine of not less than twenty-five dollars nor more than fifty dollars, recoverable by warrant in the police court of Winchester, which fine, when collected, shall inure to the benefit of said turnpike road company; and such person shall be further liable for all damages sustained by said road company, either in injury to the road or bridges. The driver or owner, either or both, of said vehicle or wagon, shall be held responsible, both in fine or damages, for any violation of this act.

§ 3. That said turnpike road company shall have power to collect one half toll extra upon said road. This is in addition to the toll said company is now entitled to; and the said extra toll shall be collected for traveling over the entire length of said road or pro rata.

§ 4. This act shall be in force from its passage.

Approved March 29, 1873.

1873.

CHAPTER 594.

AN ACT for the benefit of George Sublett, of Elliott county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasury in favor of George Sublett for the sum of twenty-six dollars and eighty-eight cents, to compensate him for payment made to guard, for assisting him in conveying a pauper lunatic from Elliott county to the Eastern Lunatic Asylum.

§ 2. This act shall take effect from and after its passage.

Approved March 29, 1873.

CHAPTER 595.

AN ACT to authorize the change of the State Road at Cane Creek Bridge, between Milburn and Columbus, in Ballard county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Simon Holt and Joseph Edrington are hereby authorized to change the State road at Cane creek bridge, between Milburn and Columbus, in Ballard county, so as to make said road run straight at that point.

§ 2. This act to take effect from and after its passage.

Approved March 29, 1873.

CHAPTER 596.

AN ACT for the benefit of James Ficklin, Sheriff of Bath county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor be instructed to draw his warrant on the Treasurer for the sum of one hundred and thirty-

1873. nine dollars and twenty-six cents, for the benefit of James Ficklin, sheriff of Bath county, to be paid out of any money in the treasury not otherwise appropriated; the same being the amount of damages assessed against and collected from said Ficklin under the law for failing to pay in the revenue of the year 1871 by the 1st day of April, 1872.

§ 2. This act shall take effect from its passage.

Approved March 29, 1873.

CHAPTER 597.

AN AOT for the benefit of Arnold S. Hardy.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Marion county be authorized, at its next October term, being a court of claims for Marion county, to make an appropriation of two hundred and fifty dollars, to pay A. S. Hardy, jailer of said county, that amount which he paid out of his own money for the arrest and returning to his custody Wm. Gabeheart and Jerry Burris, who escaped from the jail of said county on the 11th day of March, 1872.

§ 2. This act to take effect at the next October term of Marion county court.

Approved March 29, 1873.

CHAPTER 598.

AN ACT for the benefit of Wm. Chamberland, of Russell county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of two hundred and nine dollars be allowed William Chamberland, for keeping Davis Chamberland, a lunatic, from the county of Russell, from the 13th day of March, 1871, until the 28th day of March, 1872, making three hundred and eighty days, at the rate of two hundred dollars per annum; and the Auditor is hereby directed to draw his warrant upon the Treasurer for said sum, to be paid out of any money in the Treasury not otherwise appropriated.

§ 2. This act shall take effect from its passage.

Approved March 29, 1873.

CHAPTER 599.

1873.

AN ACT to authorize the voters of the town of Clinton to vote upon proposition as to whether ardent spirits shall be sold within the corporate limits of said town, and to prohibit the sale of same.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That at the next regular election for trustees of the town of Clinton there shall be submitted to the voters of said town the proposition whether there shall thereafter be sold any spirituous, vinous, or malt liquors as a beverage.

Question of prohibition to be submitted to people.

§ 2. The officers holding said election shall open a poll for and against the sale of said liquors in said town as a beverage, and the officers holding said election shall demand of each voter casting his vote whether he votes for or against said proposition, and so record the same ; and if a majority of said votes be cast against the sale of said liquors, the clerk of said election shall so certify to the judge of the county court of said county ; and it shall be unlawful for him thereafter to grant license to vend such liquors within the corporate limits of said town, or within one mile thereof, to hotel-keepers, merchants, druggists, or any one else ; and any such license granted by any such county judge shall be null and void.

Duties of officers of election.

§ 3. That any one who shall, after said vote has been taken, and the same being against the sale of such liquors, vend, sell, or give to any one such liquors, he, she, or they so offending shall be fined the sum of one hundred dollars for each offense, to be recovered by warrant in the name of the trustees of said town before the police judge of said town ; and the fines so recovered, when collected by the marshal of said town, shall be paid over to the town treasurer, and held by him as such treasurer.

Penalty for violating law.

§ 4. That the police judge of said town shall have the power to issue his warrant of arrest against any person violating the provisions of this act, to try the same and render judgment thereon, and enforce the collection of the same by execution or by *capias pro fine*.

Power and duty of police judge.

§ 5. The marshal of said town shall have the power and it is hereby made his duty to execute the warrant issued by said police judge as herein provided, and also power to collect such fines as may be inflicted by the police judge, either upon execution or *capias pro fine* ; and upon the arrest of such offender upon the warrant of arrest and his failure to give bond for his appearance at the trial, or upon his arrest upon *capias pro fine*, he shall commit the said offender to the custody of the jailer of said county, there to remain until the time fixed for his trial, or until he or she shall pay the fine so inflicted by payment of said fine and costs in money, or by satisfying the

Powers and duties of marshal.

1873. same at the rate of two dollars per day in remaining in said jail.

License may be granted to sell for medical purposes

§ 6. That the trustees of said town shall have the power to grant a license to such person or persons as they may deem proper to sell spirituous liquors for medical purposes, and for this only.

Applicant to take oath and give bond.

§ 7. That before said license is granted the applicant shall take an oath that he will sell to no one such spirituous liquors except for medical purposes, and shall execute bond, with good security, in such penalty as may be fixed by said trustees, with the condition that he will sell such spirituous liquors only for medical purposes, and that he will not suffer or permit the same to be drank as a beverage upon his premises; and upon the violation of his said bond he shall be fined for each offense the sum of fifty dollars, to be recovered off of him and his security as provided for in sections four and five of this act.

Proceedings in selling for medical purposes.

§ 8. That the person or persons to whom a license shall be granted by the trustees of said town to sell spirituous liquors for medical purposes shall take from each person a written statement that the spirits so purchased by him is for medicinal purposes, and shall carefully file the same; and any person so representing that the same was for medical purposes, when in fact the same was for use as a beverage, shall be fined the sum of ten dollars for each offense, to be recovered as provided for in sections four and five of this act.

Penalty for violating license provisions.

§ 9 That any person to whom such license shall be granted, upon the second conviction of the violation of the provisions of this act, shall forfeit such license, and they shall become null and void; and upon his attempt to sell under the same he shall be fined as provided for in section three of this act, and forever disqualified thereafter from obtaining a license from said board of trustees.

Upon failure to hold regular election, special election may be ordered.

§ 10. Should there be a failure at the regular election day from any cause to hold an election for trustees of said town, or a failure by the officers holding said election to submit to the voters of said town the proposition herein provided for, then the trustees in office shall, upon the petition of any citizen of said town, fix a day when said proposition will be voted upon by the legal voters of said town, and shall give by written notice thereof ten days notice of the time and place when said vote will be taken; and they shall appoint officers to take said vote, and said officers shall proceed in taking said vote as provided in section two of this act.

§ 11. That should, at the first regular election of trustees of said town, said proposition be submitted as herein provided, and the vote in favor of the sale of ardent spirits as now provided by law, said proposition may thereafter

be submitted to the voters of said town at any regular election, as herein provided. 1873.

§ 12 That all laws coming in purview of this act are hereby repealed.

§ 13. That it shall not be lawful for a druggist to sell whisky in said town except upon the written prescription of a physician given and dated for each sale.

§ 14. That this act shall take effect from and after its passage.

Approved March 29, 1873.

CHAPTER 600.

AN ACT to repeal an act, entitled "An act to establish an institution of learning in the town of Hardinsville, in Shelby county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to establish an institution of learning in the town of Hardinsville, in Shelby county, to be known as the Lee Academy," approved March 18th, 1872, be, and the same is hereby, repealed.

§ 2. This act shall take effect from its passage.

Approved March 29, 1873.

CHAPTER 601.

AN ACT to authorize the sale and conveyance of the property of the Kendrick Institute, in Wayne county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the president and board of trustees of the Kendrick Institute, in the county of Wayne, be, and they are hereby, authorized and empowered to sell, publicly or privately, as to them may seem most conducive to the interest of the stockholders therein, all the real estate and property belonging to said institution, upon such terms and conditions as they may prescribe. Trustees may sell property.

§ 2. They are authorized and empowered to make conveyance thereof to the purchaser or purchasers thereof on compliance with the terms of purchase; and the title to such property, so conveyed, shall vest in the purchasers. May make conveyance.

§ 3. After the payment of the necessary expenses incident to said sale, the whole of the proceeds thereof shall be divided between the stockholders of said institution, in the proportion subscribed and paid thereto by them. How funds to be disposed of.

§ 4. This act shall be in force from and after its passage.

Approved March 29, 1873.

1873.

CHAPTER 602.

AN ACT to incorporate the Muhlenburg Mining Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators' names.
Name and style.

§ 1. That D. C. Buell, St. John Boyle, Pinck. Varble, and their associates, are created a body-corporate, under the name of the Muhlenburg Mining Company; and said corporation and their successors shall have perpetual succession, with power to contract and be contracted with, sue and be sued; to have and use a common seal, and alter the same at pleasure; and make all necessary by-laws and regulations for the government of said company, and the conduct of its affairs, not inconsistent with the Constitution and laws of this Commonwealth.

Corporate powers.

§ 2. Said company may purchase and hold such estate, by lease, in fee, or otherwise, and such mining privileges, rights of way, and other easements, as it may deem necessary or desirable for its business; and shall have power to dig, bore, mine, and search for coal, iron, and other minerals, products, and deposits in and upon the earth; and may purchase, extract, take out, develop, smelt, reduce, refine, manufacture, and prepare for market such minerals, products, and deposits, and convert the same into a merchantable state, and use or sell the same in their natural or manufactured state, and transport the same to market.

Capital stock.

§ 3. The capital stock of said company shall be one hundred and fifty thousand dollars, divided into shares of one hundred dollars each, which shall be personal property, and transferable on the books of the company as the by-laws may direct.

May borrow money and secure same by mortgage.

§ 4. Said company may borrow money, not exceeding, at any time, three fourths of its capital stock, on notes, bonds, bills, or indorsements, and secure the same by mortgage on its property; but said company shall have no banking powers.

Directors to control affairs.

§ 5. The affairs of the company shall be managed by a president and board of directors as the by-laws may prescribe. There shall be not less than three nor more than nine directors, including the president. The directors shall be elected annually by the stockholders, and the president shall be chosen from among the directors, either by the directors or by the stockholders, as the by-laws may prescribe. The by-laws shall be established by the stockholders, and shall only be set aside or amended by them.

§ 6. That the benefits of an act incorporating the Airdrie Coal and Iron Company, entitled "An act to change the name and amend the charter of the Airdrie Petroleum Company of Kentucky," approved December 20, 1865, are

hereby extended to the company hereby incorporated, and the same is re-enacted as part hereof. 1873.

§ 7. This act shall take effect from its passage.

Approved March 29, 1873.

CHAPTER 603.

AN ACT in relation to the Cabin Creek, Sand Hill, and Manchester Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in order to assist said company in building a bridge across Cabin creek, and a bridge across Crooked creek, the Lewis county court may subscribe one thousand five hundred dollars to the capital stock of said company; one thousand of said sum to be used in building the bridge across Cabin creek, and five hundred dollars to be used in building a bridge across Crooked creek, where said road crosses said creeks. This one thousand five hundred dollars shall be in addition to the subscription of one thousand dollars to the mile made by the county. The Lewis county court may issue the bonds of Lewis county for said sum of one thousand five hundred dollars, to draw interest at ten per cent.

Lewis county court may take stock for certain purposes.

§ 2. The president of said company may appoint an assessor to assess the property liable to taxation on said road, and shall be paid not exceeding ten cents for each list, to be paid out of the taxes collected.

Assessor—how appointed & fees.

§ 3. This act shall take effect from and after its passage.

Approved March 29, 1873.

CHAPTER 604.

AN ACT to empower the court of claims of Shelby county to levy an additional ad valorem tax.

WHEREAS, The county levy of Shelby county is indebted for appropriations to turnpikes and other public improvements in said county, to an amount largely exceeding its ability to pay; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the court of claims of Shelby county, a majority of the justices of the peace of said county concurring therein, be, and the same is hereby, authorized and empowered, at its regular May terms, in the years 1873, 4, and 5, to levy an additional ad valorem tax of not exceeding two (2) cents on each one hundred dollars'

County court may levy tax to pay county debt.

1873. worth of taxable property in said county; the funds arising from said tax to be applied exclusively to the payment of the indebtedness of the county levy of said county.

Sheriff to collect tax. His powers, duties, and fees.

§ 2. That the sheriff of said county shall collect and pay over said tax; but before doing so, he shall execute covenant, with good securities, to the Commonwealth of Kentucky for the faithful discharge of his duties, in collecting and accounting for said tax; he shall have the same powers, and be subject to the same penalties, as now prescribed by law for the collection of the State taxes, and his compensation shall be fixed by said court, not exceeding that for State taxes.

§ 3. This act to take effect from its passage.

Approved March 29, 1873.

CHAPTER 605.

AN ACT for the benefit of school district No. 46, in Mercer county.

WHEREAS, The trustees of district No. 46, in Mercer county, Kentucky, on account of the small number of pupil children in said school district, preferred to have no school taught, but to send to adjoining districts, with the understanding that if pupils from district No. 46 were taught in said adjoining districts free of charge, an effort would be made to obtain the school money to the credit of district No. 46; and whereas, it is desirable that the money be apportioned to the districts in which the children were taught; and whereas, it is the purpose of the trustees of district No. 46 to apply to the county commissioner of common schools to abolish said district, and attach it to the adjoining districts; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Superintendent of Public Instruction be authorized to draw his warrant upon the Auditor in favor of said district for seventy-seven dollars and fifty-six cents, amount to the credit of said district, to be paid by the commissioner to the trustees, to be by them disbursed as detailed in the preamble.

§ 2. This act shall take effect from its passage.

Approved March 29, 1873.

CHAPTER 606.

1873.

AN ACT for the benefit of James P. Bailey, late sheriff of Lincoln county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, authorized to draw his warrant on the Treasurer in favor of James P. Bailey, late sheriff of Lincoln county, for the sum of eleven dollars and fifty cents, to be paid out of any money in the Treasury not otherwise appropriated.

§ 2. This act to take effect from its passage.

Approved March 29, 1873.

CHAPTER 607.

AN ACT for the benefit of Peter Perry, committee of John Perry (of color), a pauper idiot of Hart county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasury in favor of Peter Perry, committee of John Perry, a pauper idiot of Hart county, for the sum of fifty dollars, being amount due said Peter Perry, on account of said idiot (John Perry), from November 1st, 1871, to January 10th, 1873, which amount the Auditor refused to pay on account of said idiot being a negro.

§ 2. This act shall take effect from its passage.

Approved March 29, 1873.

CHAPTER 608.

AN ACT for the benefit of Leonidas H. Voshell, of Boone county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasurer in favor of Leonidas H. Voshell, of Boone county, for the sum of fifty-three dollars and ten cents, to be paid out of any money in the Treasury not otherwise appropriated, in order to refund the money spent by said Voshell in delivering to the authorities of Boone county one David Highers, a horse-thief.

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 29, 1873.

1873.

CHAPTER 609.

AN ACT for the benefit of Johnson V. Oakley, of Morgan county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasury, in favor of Johnson V. Oakley, for the sum of one hundred dollars, payable out of any money in the Treasury not otherwise appropriated, being for reward to said Oakley for arresting one David Combs, a desperate character, charged with burglary.

§ 2. This act shall take effect from its passage.

Approved March 29, 1873.

CHAPTER 610.

AN ACT for the benefit of John Scott, of Pike county.

WHEREAS, At the October term, 1867, of the Franklin circuit court, a motion was made in behalf of the Commonwealth of Kentucky against William P. Johnson, sheriff of Pike county, and Fleming Justice and William Sword, his sureties on his official bond, for a judgment thereon for the revenue of 1866, upon which bond judgment was rendered against said Johnson and sureties for \$2,922 22, at said October term, 1867; and whereas, at the fiscal term of said court, on 27th of January, 1868, a bond of the said William P. Johnson, for the year 1866, was filed in said court, purporting to be a bond for the collection of the State revenue and the county levy, and signed by said sureties and one John Scott, upon which bond motion was made and judgment obtained in behalf of the Commonwealth against the said John Scott for the revenue of 1866, to-wit: \$2,922 22, which bond was only signed as a county levy bond; and whereas, the said Scott did not intend to sign said bond as a revenue bond, and there having been no execution issued on said judgment against Scott, and it now being too late for him to take an appeal upon said judgment or to make a defense to the same; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the said John Scott be, and he is hereby, released and relieved from the payment of said judgment, rendered on 27th day of January, 1868, at the fiscal term of the Franklin circuit court, for the sum of \$2,922 22, and interest upon same, and \$584 44 damages and costs: *Provided*, That the said co-sureties shall first enter their

consent of record in the Pike county court to the release herein granted.

1873.

§ 2. This act shall take effect from its passage.

Approved March 28, 1873.

CHAPTER 611.

AN ACT for the benefit of John L. Slavin, former sheriff of Garrard county.

WHEREAS, There was a judgment rendered against Jno. L. Slavin, former sheriff of Garrard county and his securities, at the September term of the fiscal court, 1872, for a balance of the State revenue for 1869, amounting to three hundred dollars and fifty cents, with interest, cost, and sixty dollars and ten cents damages; and whereas, said Jno. L. Slavin has paid off and fully satisfied said judgment; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasurer in favor of the said J. L. Slavin, for the sum of sixty dollars and ten cents, to be paid out of any money in the Treasury not otherwise appropriated.

§ 2. This act shall take effect from its passage.

Approved March 28, 1873.

CHAPTER 613.

AN ACT for the benefit of the Auditor of Public Accounts.

WHEREAS, The act, entitled "An act for the appropriation of money," approved March 26, 1872, contained section six (6) as it passed this General Assembly, appropriating eight dollars per day to each of the door-keepers of the Senate and House of Representatives for their services; and whereas, by an unintentional mistake said sixth (6) section was left out of the enrolled bill approved by the Governor; and whereas, the Auditor of Public Accounts, without knowing of the omission of said sixth (6) section in said enrolled bill, paid said door-keepers the full amount due them for their services up to and inclusive of the 29th day of March, 1872, the day of adjournment, at the rate of eight dollars per day; now, for remedy whereof, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, released and absolved from any and all liability or

1873. responsibility growing out of his having paid to the door-keepers of the Senate and House of Representatives of the present General Assembly eight dollars per day, each, for their services from the commencement of their duties up to and inclusive of the 29th day of March, 1872; and said section six (6), mentioned in the preamble hereof, is hereby re-enacted.

§ 2. This act shall be in force and effect from its passage.

Approved March 27, 1873.

CHAPTER 615.

AN ACT for the benefit of the Glasgow Railroad.

WHEREAS, By an act of the General Assembly of the Commonwealth of Kentucky, approved March 20th, 1872, it was enacted that an act approved February 20th, 1864, entitled "An act to tax railroads, turnpikes, and other corporations, in aid of the sinking fund," should not apply to the Glasgow Railroad until said railroad is finished and completed to the town of Tompkinsville, not to exceed four years from the passage of said act of March 20th, 1872; and providing further, that the tax levied on said Glasgow Railroad for the year 1871 should be released; and whereas, said tax, for the year 1871, so released, amounting to \$918, having been collected by the Auditor, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts is hereby directed to refund and pay to the president and directors of said Glasgow Railroad Company said tax so improperly collected, out of any money in the Treasury not otherwise appropriated.

§ 2. This act to take effect and be of force from and after its passage.

Approved March 29, 1873.

CHAPTER 616.

AN ACT to organize Urania school district, in Barren county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the town of Glasgow, in Barren county, Kentucky, and all the territory adjacent thereto, lying within one and a half miles in every direction from the courthouse in said town, be, and the same is hereby, incor-

porated into one common school district, and shall be called and known by the name of Urania district; and all white persons residing therein, qualified under the laws of the State to vote for trustees of common schools, shall be permitted to vote for trustees of said district.

§ 2. That on the first Saturday in May, 1873, the persons qualified to vote as aforesaid, residing in said district, may attend at the court-house in Glasgow, and there vote for five trustees of said school district, which election shall be then and there held for that purpose, and on the same day of the month of May every year thereafter. The five persons voted for having the greatest number of votes shall be certified by the clerk and judges of the election, in writing, to be so elected and chosen as the trustees for said district for one year from and after that day. The poll-book, and certificate of election signed by the officers holding it, shall be delivered to said trustees. They shall each take an oath that they will honestly and faithfully discharge all the duties imposed upon them as such trustees by law. The said poll-book, certificate of their election, and certificate of their qualification, shall be carefully filed away and preserved by them as a part of the records of said school district, and shall, with the other papers and records of the school district, be handed over by them to their successors in office, and to no one else. If a vacancy shall occur in the office of trustee for said district, it shall be filled by appointment from those remaining in office. The said trustees shall hold and exercise the functions of their office until their successors are duly qualified; and said trustees are hereby declared to be vested with all the power and rights and privileges of trustees of common school districts, as accorded to them under the general laws of the State. The said trustees shall elect one of themselves chairman of the board, and he, as such, shall sign all their orders and records.

§ 3. That said trustees shall carefully ascertain the number of children within said district between the ages of six and twenty years, and make report thereof to the common school commissioner of Barren county, at the same time, and under the same restrictions, that is required of the trustees of common school districts by the common school law of this State; and said commissioner shall report the same to the Superintendent of Public Instruction for the State; and in the disbursing of the public school money, from time to time, said district shall be entitled to receive in due proportion with others in the State, and the same shall be paid to said trustees as such moneys are by law to be paid to other trustees. They shall report the num-

1873.

Name and style.

Qualified voters
to elect trustees.

Term of office.

Trustees to take
oath.Vacancies—
how filled.To make list of
school children.Trustees to re-
ceive school
money.

1873. ber of white children and number of black children separate.

Question of school tax to be submitted to people.

Notice to be given.

Duties of officers of election.

§ 4. That at any time after the first day of July, 1873, the said trustees of said district may submit to the white voters of said district, and others in the county having property therein, a proposition to levy a tax of any sum not exceeding fifty cents on the one hundred dollars' worth of taxable estate within said district, that is to say, such estate of every kind as is taxable for common school purposes under the laws of the State, for the benefit of common schools in said district. The vote under such proposition shall be polled as is now done under the laws for the election of trustees; but before it is taken, there shall be at least twenty days' public notice thereof, by printed advertisements posted on said court-house door, and at six other public places in said district, signed by the trustees. The election or poll upon the question shall be conducted in all respects as other elections for county or State officers. The trustees shall appoint a clerk of election, who shall take an oath that he will truly and faithfully perform the duties of clerk of such election as required by law; two of said trustees shall preside as judges at the election, and one of them shall act as sheriff or crying officer. There shall be a regular poll-book made out, in which the clerk, under the supervision of the judges and acting sheriff, shall record the name of each voter, showing who voted for and who voted against the levying of the tax. The poll shall be opened at eight o'clock in the morning, and closed at four in the evening. The poll-book shall be certified in writing, signed by the clerk and judges and acting sheriff, showing the result of the election, and shall be filed away among the papers and books of said district. A record of said election and its result shall be made by said trustees on their record; the notice of said election shall also be recorded. In taking said election, the clerk shall ask each voter the question: "Are you for or against levying the tax-now being voted upon for common school purposes in this district?" and the vote shall be recorded as the answer suggests.

If tax be carried, it shall be levied.

§ 5. That if a majority of the qualified voters as aforesaid of said district shall vote for the tax, the said trustees are hereby empowered, and it shall be their duty, to levy the same upon the taxable estate aforesaid within said district, as shall appear, from the commissioner's book of said county, showing the last assessment prior to said election of the taxables in said district; the said trustees shall make out said assessment and levy from said commissioner's book, showing a list of the persons, and the amount to be collected from each, and record the same, from time to time, in their record-book; they shall deliver

said list and assessment to the town constable or marshal of Glasgow, or sheriff of Barren county, and take his receipt therefor; and it shall be his duty to collect the same and pay it over to the chairman of said board of trustees, one half on or before the first day of February, and the other half on or before the first day of June of each year; said officers, constable, marshal, or collector, are hereby vested with the same powers to levy and distrain and sell property for the collection of said taxes that sheriffs have in collecting the State revenue; and said power to levy and distrain shall continue till the taxes are paid; and if any one owing said taxes shall be or reside or remove outside of said district, or the county of Barren, his or her property shall be subject to levy and sale for said taxes by said constable, marshal, or collector, if in Barren county, or any sheriff or constable of the Commonwealth in the county where such defaulter may be found in the State.

§ 6. That if said constable, marshal, or sheriff, to whom said list and assessment of taxes shall be delivered for collection, shall fail or neglect to pay over the same to said chairman of said board of trustees, at the times as fixed in this act, such defaulting officers and the securities in his official bond, shall be responsible for such amount as he fails to pay over on or before that day, and twenty-five per cent. damages thereon, recoverable by motion on his bond in the Barren circuit court, or any other court having jurisdiction of the same: *Provided, however,* Ten days' notice of such motion shall first be given: *And provided further,* That if said officer shall, on said day, when under this act he is required to pay in said tax, produce and file a delinquent list, sworn to in all respects as sheriffs are required to swear to their delinquent lists, to get credit for them under the law, he shall not be liable to such recovery; but a certified copy of such delinquent list shall be placed back in said officer's hands, and a receipt taken therefor; and he shall be held thereafter, from time to time, to account for the same, under the same rules and regulations as to the original list. The said constable, marshal, or collector shall have, as compensation for collecting said taxes, the same fees and per centum upon each dollar thereof as is allowed sheriffs for collecting the revenue and county levy; and whenever he shall levy upon property to sell the same, he shall have thirty cents for each levy and such expenses as he shall incur in preserving the property before sale; and the power to levy and distrain property before sale, and the power to levy and distrain for collection of said taxes, shall continue to be in said constable, sheriff, and marshal or collector, for five years from and after each assessment.

§ 7. That said taxes, when collected and paid over to said chairman of said board of trustees, shall be by said

1873.

Officer to collect
tax—his powers
and duties.

Officer to be re-
sponsible on bond
for discharge of
duty.

How funds to be
used.

1873. trustees, with all sums received by them from the common school fund of the State, as heretofore provided, applied and used in having taught two common schools in said district, one a male school and the other a female school, ten months of each year, or for such length of time as the funds will justify, taking care that each school shall be taught the same length of time each year. If said trustees can secure the tuition of said schools, one in Urania College and the other in Allen Lodge Female College, now located and carried on in Glasgow, upon terms equitable and just, in the opinion of said trustees, they shall do so, from time to time: *Provided, however*, Said trustees shall make out and return their annual reports as other common school trustees are required to do.

Trustees to give notice of number of years extra tax is to be levied.

§ 8. That in submitting the question of taxation to the voters of said district as provided in this act, the trustees shall designate in the notice the length of time or number of years it is proposed the tax shall continue; and if it is voted upon the district, as herein before provided, it shall then be the duty of the trustees to cause its collection each year of the time it is so voted, and apply it as aforesaid: *Provided, however*, The trustees may at any time reduce the per cent. of tax upon each list upon the *pro rata* principle, if, in their judgment, the wants of the district will justify it; and when the time for which it is voted shall expire, the trustees may again submit another proposition for taxation to the district for the same purposes, under the same rules and regulations, restrictions, and authorities of this act; and if it is carried, proceed to collect and apply it for the same purposes, and under like restrictions.

Question of capitation tax to be submitted at same election.

§ 9. That at the same time or times the vote is taken in said district upon the question of taxing the property of the district for the purposes aforesaid, the question shall also be submitted as a part of the same proposition whether each white male citizen of the district twenty-one years old shall be taxed and assessed two dollars capitation tax for the purpose aforesaid; and in the event of the question being carried as aforesaid, it shall be the duty of said trustees, in making the said list of assessment of taxes, as directed in a former part of this act, to include in that assessment two dollars capitation tax against each of the male white citizens of said district, to be ascertained as aforesaid from said commissioner's books, and cause the same to be collected as aforesaid; and when collected, the same shall be part and parcel of the school fund of said district, and used as aforesaid.

Chairman to give bond before receiving moneys.

§ 10. That before any chairman of the said board of trustees shall be allowed to receive any of the moneys aforesaid, he shall execute bond with approved security in

the county court of Barren county, to the Commonwealth of Kentucky, conditioned that he will faithfully perform all the duties of trustee of said district, and pay over and account for all moneys which shall come to his hands under this act. The bond shall be approved by the county court, and entered in full upon the records of said court, and filed away and preserved among the records of said court by the clerk thereof. The clerk shall receive a fee of fifty cents for his services in taking the bond and performing the other duties assigned him under this act, to be paid by said chairman. Any person injured by the failures or neglects of said chairman in discharge of his duties under the law, may sue upon the bond as relator, and have judgment according to the justice of the case.

1873.

§ 11. That said trustees shall have, and be allowed to retain out of said moneys, one dollar per day, each, for each day he or they are engaged in the performance of their duties under this act. The clerk provided for in the elections aforesaid shall be allowed one dollar per day for his services, and one dollar for making and furnishing each book, to be paid by the chairman of said board of trustees out of said funds; and the said chairman, for his services as chairman, in assuming the responsibilities of receiving and disbursing said money, shall be allowed to retain not exceeding one per cent. on all sums that may come to his hands as such.

Fees of persons
under act.

§ 12. That said trustees shall keep a full record of all their proceedings, which shall be signed by their chairman; and upon their going out of office, they shall deliver the same, with all papers pertaining to their office, to their successors; and the said chairman shall deliver over to his successor all money or other effects in his hands as such. The records of the district shall show a full exposition of his accounts, the money received, how, and to whom, and when paid out, and correct vouchers on file for each item paid out. The said record shall at all and any time be open to the inspection of any and every person in said district; and when asked to do so, said chairman shall deliver to any one a certified copy of any order-minute thereof. Any trustee elected and qualified under this act, who shall willfully violate the provisions of this act, shall be subject to indictment and fined in any sum not exceeding five hundred dollars. Any person voting at any of said elections, who shall not be entitled to vote under the law, shall be subject to like indictment, and fined fifty dollars. Any person who shall mutilate, destroy, or steal said record-books of said trustees for said district, shall be subject to in-

Trustees to keep
record.

1873. dictment, and sentenced to the penitentiary for at least one year, and longer, if a jury so finds.

When said election to be held.

§ 13. That the election provided for in this act to come of for trustees first Saturday in May, 1873, and every election thereafter for trustees under this act, shall be held and conducted by the presiding judge of the Barren county court and jailer of Barren county, who shall be judges thereof, the clerk of the Barren county court, who shall be clerk, and the marshal of Glasgow, who shall act as sheriff of the election.

§ 14. Before this act shall take effect or be in force it shall be submitted to the qualified white voters of said district upon the question of ratification or rejection of this act. If a majority shall vote in favor of ratifying this act, then the same shall go into operation as herein provided; but if a majority shall vote for rejection, then this act shall be null and void; and it shall be lawful for any person owning real estate bona fide in his own right, situated in said district, to vote at the election for ratification or rejection, whether he shall reside in said district or not.

§ 15. If this act is ratified by the majority of votes in said district, as herein provided, and shall go into operation, then every person, whose duty it is to handle said funds, shall give bond and good security for the faithful discharge of their duty, and the proper application of said funds, payable to the Commonwealth of Kentucky, for the use of the common school district herein established.

§ 16. No tax shall be collected off of any colored person or his property by virtue of this act, nor shall any colored child have the benefits of the schools herein provided for; it being the true intent and meaning of this act to create a separate school for white children, male and female, in said district.

§ 17. This act, for the purpose of holding the election to be held in said district upon the question of ratification or rejection, shall take effect from its passage; and for all other purposes as soon as ratified, as herein provided, and not before.

Approved March 28, 1873.

CHAPTER 617.

AN ACT to incorporate the Alexandria Cemetery Company, in Campbell county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators'
names.

§ 1. G. W. Reiley, Samuel Wright, James Shaw, William Hartman, and Benjamin Beall, their successors and

associates, be, and they are hereby, constituted a body-corporate, under the name and style of the Alexandria Cemetery Company; and by that name they shall have power to contract and be contracted with, sue and be sued; use a common seal; make all necessary by-laws, rules and regulations, for its government, not inconsistent with law and the provisions hereof; and do such other things as are incident to such a corporation, and necessary to effectuate the object and purpose thereof, which is to provide a suitable and permanent cemetery at Alexandria, in Campbell county, for the burial of the dead.

1873.

Name and style.

§ 2. Said corporation shall have the power to take, acquire, and hold, by purchase, gift, or devise, for the purpose aforesaid, any quantity of land in the county of Campbell, and in or near the town of Alexandria, not exceeding fifty acres, and receive a conveyance of the same in its corporate name; which land, when so conveyed, shall be held by said corporation for a cemetery, and shall never be alienated or used by said corporation for any other purpose; and said land and its appurtenances shall be forever free and exempt from all taxation, and from all executions, attachments, or other legal process, and from any charge, liability, appropriation, or assessment, to or for any public purpose, inconsistent with its use as a cemetery, for which purpose and use it is hereby forever dedicated.

Corporate powers.

Lands, &c., to be exempt from tax.

§ 3. Said corporation shall cause a plat or plan to be made of the land so acquired by it, dividing the said land into suitable avenues, walks, and burial lots, and designating the said avenues and walks by name, and the said burial lots by numbers; which plat or plan shall be recorded on the books of said corporation, and on the records of titles of Campbell county. After the said land is thus laid off, the corporation shall have power to sell said burial lots in such manner and on such terms as may be prescribed by the board of directors of said corporation.

Corporation shall have plat made.

§ 4. Each purchaser of a lot in said cemetery, upon the production of the receipt in full for the price of the lot purchased by him from the acting treasurer of the corporation, shall be entitled to a conveyance of said lot, which conveyance shall be made by a certificate of the board of directors of the corporation, under seal of the corporation, and countersigned by the secretary of the corporation, specifying that such purchaser is the owner of such lot or lots, which certificate shall be recorded on the books of the corporation, and on the records of title of Campbell county; and such certificate shall vest the fee-simple right and title in and to such lot or lots in the purchaser, his heirs or assigns, forever, exempt and free from all

Purchasers to have conveyance of lot, which shall vest with title of same effect as deed.

1873. assessments or taxations, or executions, attachments, or other legal process; and shall have the same effect for all purposes as deeds duly executed, delivered, and recorded; but said lots shall be held by the purchasers thereof subject to the by-laws, rules and regulations, of the corporation and its board of directors; and said lots shall never be used by the purchasers for any other purpose than that of burial lots; and if applied to any other use, the right and title thereto shall revert to the corporation.

Owners of lots
to be members of
corporation.

§ 5. Each person receiving a certificate as aforesaid for one or more of the said lots shall thereby become, and be considered thereafter, a member of this corporation, and he shall be entitled to a vote in all meetings of the corporation.

Powers of board
of directors.

§ 6. The affairs and business of the corporation shall be managed by a board of five (5) directors, all of whom must be lot-owners in said cemetery. This board of directors may be elected annually by the members of the corporation, and may hold their office for one year, and until their successors are elected and qualified; they shall choose a president out of their number, and they may appoint a secretary and treasurer, who shall give such bond as they may require for the faithful performance of his duties. All vacancies in said board of directors shall be filled by an appointment made by the president.

Board to make
by-laws, &c.

§ 7. The board of directors shall make such by-laws, rules and regulations, as they may deem proper for calling and conducting their meetings, and for the transaction of their business and duties; they shall have control of all the business transactions of said corporation; shall collect and expend for the corporation all moneys; shall have complete control of the cemetery grounds and other property; shall have power to inclose, improve, embellish, and adorn the cemetery grounds, and to prescribe rules for inclosing, adorning, and erecting monuments or vaults upon the cemetery lots by purchasers; and shall have power to prohibit any use, division, or adornment of a lot which they may deem improper, or may abate or alter the same. At the regular meetings of the corporation, which shall be called annually by the board of directors, upon such day as they may deem proper, the board of directors shall report their actions and the condition of the corporation.

§ 8. The persons hereinbefore named as incorporators shall constitute the first board of directors of the corporation.

Penalty for
violating graves,
injuring monu-
ments, &c.

§ 9. If any person shall willfully, and without lawful authority, violate any of the graves of the dead, or deface or remove any of the tombstones, monuments, or inclosures, or cut, break, or injure any tree, shrub, plant, or

other ornament of said cemetery, he shall be deemed guilty of a misdemeanor, and besides being liable to the corporation, or to the owner of the lot injured, for the damage or injury done, he shall be fined not less than ten dollars nor more than fifty dollars for each offense, recoverable by warrant before the police judge of Alexandria, or any justice of the peace in Campbell county.

1873.

§ 10. This act shall take effect from and after its passage.

Approved March 28, 1873.

CHAPTER 618.

AN ACT to incorporate the Evansville and Henderson Railroad Packet Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That A. O. Durland, Chas. G. Perkins, E. O. Boyle, and St. John Boyle, their associates and successors, be, and they are hereby, made a body-corporate, under the name of the Evansville and Henderson Railroad Packet Company; and in such name to contract and be contracted with, to sue and be sued; and may have and use a corporate seal, which they may alter at pleasure.

Corporators' names.

Name and style.

§ 2. The said company may purchase and own or hire any steamboat or boats, barges, or other vessels for navigation; and may carry and transport thereon railroad cars, passengers and freight, between the city of Evansville, in Indiana, and the city of Henderson, in Kentucky, and other points, and receive compensation therefor, and, with the consent of the said cities respectively, connect any of their said vessels with any railroad track in said cities, and, for that purpose, may construct and operate within said cities, and with the consent thereof respectively, a railroad track or tracks, upon such terms and conditions as may [be] agreed. The said company may contract with any railroad company terminating at either of said cities for the transportation of cars, passengers, or freight; may sell or hire any of its property, and make all contracts, and do all acts which are necessary or convenient for the exercise of the powers hereby conferred.

Corporate powers.

§ 3. The capital stock of the said company shall not exceed one hundred thousand dollars (\$100,000), which shall be divided into shares of one hundred dollars (\$100) each; and subscriptions may be received therefor by the said incorporators, or any of them, which may be paid at such times, and in such manner, as may be agreed. The said stock shall be transferable upon the books of the company only, and either in person or by attorney,

Capital stock.

18-3. and a lien shall exist thereon for any debt which the owner thereof may owe to the company.

Directors to
control affairs.

§ 4. The affairs of said company shall be managed and controlled by said incorporators until the first meeting of the stockholders, to be held as provided herein, and afterwards by five (5) directors (who shall choose one to be president), who shall be elected at such meeting, and annually at the meetings to be held thereafter.

Annual election.

§ 5. On the first Wednesday in June, 1873, and every year thereafter, the stockholders of said company shall hold their regular annual meeting for the election of officers, and the transaction of such other business as may be brought before them.

§ 6. This act shall take effect and be in force from and after its passage.

Approved March 28, 1873.

CHAPTER 619.

AN ACT amending an act incorporating the Vanceburg, Salt Lick, Tollsboro, and Maysville Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Lewis county
court to subscribe
stock for certain
purposes.

§ 1. The county court of Lewis county may subscribe two thousand dollars to the stock of the Vanceburg, Salt Lick, Tollsboro, and Maysville Turnpike Road Company, which two thousand dollars shall be in addition to the stock already held by Lewis county in said road; and said two thousand dollars shall be used in building bridges across Salt Lick creek and Cabin creek, where said road crosses said creeks; one thousand dollars to be appropriated to each bridge. The county judge of Lewis county is authorized to make the subscription of the two thousand dollars to the stock of said company, on the part of Lewis county, at a regular or special term of the said county court, and issue to the said company the bonds of Lewis county for the amount, drawing interest at the rate of ten per cent. from date till paid.

To issue bonds
to pay subscrip-
tion.

Court to appoint
assessor, and his
fecs.

§ 2. The directors of said road company shall have the right to appoint an assessor or assessors to assess the taxable property authorized to be taxed to build said road, which assessor or assessors shall return their assessor's books to the Lewis county court, and shall be governed by the law regulating the duties of the county assessor; and the county court shall have the same power in reducing the assessments or controlling same as now allowed by law. The books should be returned before May 1st of each year; and the assessors shall be allowed for making

said assessments an amount not exceeding the amount now allowed to the county assessor by law. 1873.

§ 3. All laws exempting the stockholders from taxation to build said road are hereby repealed, and all stockholders in said road holding property within the boundary liable to taxation shall pay tax on their property in the same manner as other tax payers.

§ 4. After the road is completed the president shall not receive a salary exceeding fifty dollars per year, and the directors shall not receive any salary, but shall not pay any tolls on said road during their continuance in office. Salary of officers.

§ 5. This act shall take effect from its passage.

Approved March 28, 1873.

CHAPTER 620.

AN ACT to incorporate the "Paris Harmonic Society," of Paris.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That L. T. Fisher, J. W. Crum, John T. Wigginton, John Gradinger, and their associates and successors, be, and they are hereby, created a body-corporate and politic, under the name and style of the "Paris Harmonic Society;" and as such shall have perpetual succession; may contract and be contracted with, sue and be sued; and acquire and possess property, real and personal, not exceeding in value twenty-five thousand dollars; and have and use a common seal; and the power to pass constitutions and by-laws not inconsistent with the laws of Kentucky or of the United States, and alter and amend the same at pleasure. Corporators' names.

§ 2. The object and purposes of said society shall be to cultivate and improve the musical talent of its members; to have literary and musical discussions, and an enlightened social intercourse among its members, and to establish a hall or building for that purpose; and shall do such other acts not inconsistent with law necessary to carry out the objects of the society. Name and style.

§ 3. The number, name, and terms of the officers may be regulated by the constitution and by-laws of the association, which shall regulate its government and general management. Object.

§ 4. The members of this association shall, in general meetings, have an equal vote, to be given in person; fifteen (15) shall constitute a quorum.

§ 5. The constitution and by-laws of said association shall be binding and enforceable against all of its members.

1873. § 6. The Legislature reserves to itself the right to alter or repeal this charter at pleasure.

§ 7. This act shall take effect immediately after its passage.

Approved March 28, 1873.

CHAPTER 621.

AN ACT to authorize the school commissioner of Campbell county to redistrict the school districts of said county, and to repeal an act, entitled "An act to provide for the redistricting the school districts of Campbell county," approved March 5, 1872.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

School commissioner to define districts.

§ 1. That the school commissioner of Campbell county is hereby authorized to redistrict, mark, and define the boundaries of the school districts in said county, and make a proper record of the boundaries and numbers of the same, and place them on file in the county clerk's office.

§ 2. That in redistricting said commissioner shall not interfere with the boundaries of any district having a good school-house so as to leave said house in any other than a central location.

§ 3. That the districts thus laid off shall not be altered or changed unless such change is required by the general school law of the State.

Commissioner's compensation for services.

§ 4. That the work herein required shall be performed by the 1st of September, 1873, and for which labor the court of claims of said county, at its next session, shall make a reasonable allowance to compensate the commissioner.

§ 5. That the schools in said county shall be taught during the school year ending June 30, 1874, as the districts are now arranged.

§ 6. That an act, entitled "An act to provide for the redistricting the school districts of Campbell county," approved March 5, 1872, be, and the same is hereby, repealed.

§ 7. That this act shall take effect from its passage.

Approved March 28, 1873.

CHAPTER 622.

AN ACT to exempt certain persons in Fayette and Scott counties from work on public roads.

WHEREAS, A bill approved March 1st, 1854, entitled "An act to amend the road law applicable to Fayette and Scott

counties," provided that "each person who has, since the first day of January, 1853, or who may hereafter subscribe to the stock of any turnpike or plank road company in the county of Fayette or Scott, shall be entitled to have one hand exempt from work on public roads in the county in which such road lies, for each one hundred dollars subscribed and actually paid by such person;" and whereas, said act was repealed February 13th, 1863; and whereas, many persons in Fayette and Scott counties did, in good faith, subscribe and pay in stock as provided in the act of March 1st, 1854, and such persons are now compelled to work on county roads or be subjected to fines; therefore,

1873.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That such persons be, and are hereby, exempted from work on said roads in future.

§ 2. This act to take effect from its passage.

Approved March 28, 1873.

CHAPTER 623.

AN ACT to amend an act, entitled "An act to charter the Owensboro and Russellville Railroad."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section one of an act, entitled "An act to amend the charter of the Owensboro and Russellville Railroad Company," approved January 27, 1872, be, and is hereby, so amended, as to authorize said railroad company to issue and sell the bonds of said company to any amount over and above the \$1,500,000 authorized in said act, as they may deem necessary to complete their road from Owensboro, Kentucky, to any point in the State of Tennessee that they may determine upon, under charters granted them by the State of Tennessee, not to exceed in amount one million of dollars, and of any denomination they may determine, bearing eight per cent. interest per annum, payable semi-annually, with coupons attached, signed by the secretary of the company; the bonds to be signed by the president of the company and countersigned by the secretary, to be made payable as said company may direct, within twenty years from date; the bonds issued under this amendment to be governed, controlled, managed, and issued in every respect as is set forth and authorized by the act to which is an amendment.

Company may issue bonds.

§ 2. The said company, if consolidated with roads in or without the State of Kentucky, or completed to points in

If company consolidates, name to be changed.

1873.] another State than Kentucky, may, at any time, by a vote of the majority in interest of the stockholders of said company, change the name of said company; and when so changed, shall have all the authority, rights, property, and franchises granted it by the original charter or any of the amendments thereto; and shall in every way be bound, and in every way be entitled to every right and authority as if acting under the original name of said company; and may sue or be sued in the name so adopted by the company under the provisions of this act

Approved March 28, 1873.

CHAPTER 624.

AN ACT to incorporate Brothers' Lodge No. 132, Independent Order of Odd Fellows, of Owensboro.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That W. W. Chambers, George Brown, S. D. Shepherd, O. S. Warner, John T. Woodford, and their associates, be, and they are hereby, created a body-corporate, by the name and style of Brothers' Lodge, No. 132, of the Independent Order of Odd Fellows; and they and their associates and successors shall so continue and have perpetual succession; and by that name are made capable in law as natural persons to sue and be sued, plead and be impleaded, contract and be contracted with, answer and be answered, in all courts of law and equity in this Commonwealth; to make, have, and use a common seal, and the same to break, alter, or amend at pleasure; they may make and ordain regulations and by-laws for their government, and those now in force in said lodge to alter when deemed proper; and may change and amend the same at pleasure: *Provided*, They be not in contravention of the constitution, laws and regulations, of the Grand Lodge of the Independent Order of Odd Fellows, incorporated by an act approved February 16th, 1838, nor in contravention of the Constitution and laws of the United States or of this State. The said corporation shall have power and authority to acquire and hold real and personal estate not exceeding twenty thousand dollars in value, and, from time to time, if deemed expedient, sell and convey the same, or any part thereof, and to reinvest and dispose of the proceeds.

§ 2. The right to alter, amend, or repeal this act is hereby reserved to the General Assembly.

Approved March 28, 1873.

CHAPTER 625.

1873.

AN ACT to amend the charter of the Nicholasville and Kentucky River Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the rates of toll charged by the roads in which the State has an interest may be the tolls charged by the Nicholasville and Kentucky River Turnpike Road Company: *Provided*, They may charge the same for broad-tread that is allowed for narrow-tread wagons.

Rates of toll changed.

§ 2. That the president and directors of said company are hereby authorized and empowered, in their corporate capacity, to execute a mortgage or mortgages to such person or persons as have or may hereafter furnish means for building said road (outside of his or their respective subscriptions of stock), upon the whole of the property, rights, credits, and franchises of said road, for the payment of the money so furnished, together with interest, at the rate of ten per cent. per annum, from the date when the several sums have or shall have been furnished: *Provided*, That the provisions of this section shall not apply to the Sulphur Well branch of said turnpike road.

Company may mortgage road for certain purposes.

§ 3. This act to take effect from and after its passage.

Approved March 28, 1873.

CHAPTER 626.

AN ACT to amend an act, entitled "An act to incorporate the Little Benson and Lane's Mill Turnpike Road Company," approved March 20th, 1871.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the fourth section of said act be so amended as to authorize the commissioners, or some one of them, to call a meeting of the stockholders for the purpose of organizing the company by the election of officers, as provided in said section, when eighty shares of stock shall have been subscribed.

§ 2. That section eighth of said act be so amended as to allow said company to erect a gate and collect tolls, as provided in said act, when two miles and one half of said road shall have been completed in the manner provided in said act.

§ 3. That this act shall take effect from and after its passage.

Approved March 28, 1873.

1873.

CHAPTER 627.

AN ACT to amend the charter of the Shelbyville and Louisville Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said turnpike road company shall have the right to extend their branch road from or near the first gate on said branch road to intersect Broadway street (extended), in the city of Louisville.

§ 2. That said turnpike road company shall have and possess the usual right to condemn land, to make said extension of their road, under the provisions of the Revised Statutes.

§ 3. This act to take effect from its passage.

Approved March 28, 1873.

CHAPTER 628.

AN ACT for the benefit of John W. Duncan, Sheriff of Wayne county.

WHEREAS, John W. Duncan, sheriff of Wayne county, failed to have his delinquent lists for years 1869, 1870, and 1871, allowed by court in proper time, and in consequence did not receive any credit for the amounts thereof in his settlements with the Auditor; and whereas, it appears that said Duncan has paid up in full the revenue due from Wayne county for the years mentioned; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, authorized to receive the delinquent lists now returned from Wayne county for the years 1869, 1870, and 1871, and to allow John W. Duncan, sheriff of said county, credit for the amount thereof—seventy-four dollars and seventy-eight cents—in his settlement of the revenue due by him for the year 1872.

§ 2. This act to take effect from its passage.

Approved March 28, 1873.

CHAPTER 629.

AN ACT for the benefit of Wilson Morgan, late sheriff of Clay county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Wilson Morgan, collector of Clay county for the year 1870, and sheriff for the year 1871, be, and he is, allowed the further time until the first of August,

1873, to make out and return his delinquent lists for said years of 1870 and 1871; and the Auditor of Public Accounts is directed to give said Morgan credit on the revenue due to the State for said years of 1870 and 1871.

1873.

§ 2. This act shall be in force from and after its passage.

Approved March 28, 1873.

CHAPTER 630.

AN ACT for the benefit of John A. Lafferty, late sheriff of Harrison county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Auditor be, and he is hereby, directed to credit the account of John A. Lafferty, as sheriff of Harrison county, with the amount assessed against him as a penalty for failing to pay over amount of revenue collected by him up to and including the 1st of April, 1872; said Lafferty not having transmitted the same until the 3d of April, 1872.

§ 2. This act shall take effect from its passage.

Approved March 28, 1873.

CHAPTER 631.

AN ACT to incorporate the Fox Creek and Washington County Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That a company may be formed and created a body-politic and corporate, by the name and style of the Fox Creek and Washington County Turnpike Company, for the purpose of building a turnpike road from any point on the Lawrenceburg and Fox Creek Turnpike, in Anderson county, between Freeman's bridge and the Fox Creek Church, to the Washington county line, making the residence of Absalom Wash, in Anderson county, a point on said road; and running thence by the most practicable route so as to unite with the turnpike road, in Washington county, which terminates near the residence of Bland Bryant. That books for the subscription of stock shall be opened in Lawrenceburg, Kentucky, under the direction of Valois Leathers, Darius Hackley, Alfred Leathers, Absalom Wash, J. M. Hanks, James York, W. G. Cole, L. H. Penny, R. H. Crossfield, Green Stevens, and W. H. Dawson, at such

Name and style.

Route of road.

Commissioners' names.

1873. times as the commissioners, or a majority of them, may direct.

Certain acts
made part of this
act.

§ 2. That sections one, two, three, four, five, six, seven, eight, nine, ten, eleven, thirteen, and fourteen of an act, entitled "An act to incorporate the Camdenville, Johnsonville, and Burnt Church Turnpike Company," approved February 24th, 1870, as far as the same can be made applicable, are hereby enacted and made part of this charter; and the company hereby created are to build their road under the privileges and restrictions set forth in said sections of said act; and are to have all the powers granted to the Camdenville, Johnsonville, and Burnt Church Turnpike Company in the same, both in building their road, and in causing taxes to be levied for the construction of the same: *Provided*, That in the taxation of land on each side of the proposed road, as is provided in section eleven of the act aforesaid, no tax shall be levied on any land which does not lie within the limits of Anderson county; but wherever, on the line of said proposed road, there is an interference, by reason of the line of any other county being within less than one mile on either side of the same, then the district for taxation may be extended on the other side of said road, so as to include an extent of two miles of territory, which may be taxed as is provided in section eleven of said act, for the purpose of building said road; and said tax may be levied on the land lying along the route of said road, within five miles of the point of beginning on the Lawrenceburg and Fox Creek Turnpike; and said section eleven shall apply to said first five miles of said proposed road, and the powers granted under the same may be exercised by said company in the construction of said first five miles, whether the whole of said proposed road is let out, or in process of construction or not.

§ 3. The General Assembly reserves the right to repeal or modify this act at pleasure.

§ 4. This act shall take effect from its passage.

Approved March 28, 1873.

CHAPTER 632.

AN ACT to incorporate Daniel Boone Lodge, No. 2, Knights of Pythias, in the city of Louisville.

WHEREAS, There has been instituted in the city of Louisville, and State of Kentucky, a benevolent association of persons styling themselves the Daniel Boone Lodge, No. 2, Knights of Pythias, the object of which is to pecuniarily and otherwise assist the needy, sick, and unfortunate among its membership, bury the dead, to take care

of the necessitous widows and orphans of their deceased brethren, and to educate the latter; and whereas, the moneys which they accumulate for these purposes are profitless when unemployed, and it is impossible for them to carry out fully the objects of their association without great danger and risk of loss unless they have the protecting authority of a special law, such as a charter; therefore,

1873.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the officers and members of Daniel Boone Lodge, No. 2, K. of P., of Louisville, Kentucky, and their successors, shall be, and they are hereby, appointed, created, and constituted a body-politic and corporate to be known as the Daniel Boone Lodge, No. 2, K. of P., with power to sue and be sued, contract and be contracted with, under its said corporate name; and by that name shall have perpetual succession, and enjoy all the rights, powers, and privileges incident and belonging to limited corporations. Said corporation shall continue to exist so long as there shall be seven members of good standing belonging thereto. The corporation shall have the right to adopt and use a common seal; also to make, alter, or amend and enforce all by-laws and regulations necessary to consummate the business and other operations of said association, which will not be in conflict with the laws and Constitution of this State or of the United States.

Name and style.

Corporate powers.

§ 2. The supervision and care of the funds, investments, and all other lodge property, shall be, and is hereby, confided to James W. Mavity, S. Y. Redd, and W. Borden, the trustees of said lodge, and their successors in office, who, or a majority of whom, shall have full power to make all contracts pertaining to the estate, real or personal, of said lodge, in any respect, either purchasing, renting, building, selling, or for any other purpose, subject to the approval of the lodge or as the lodge may direct; their action shall be binding and obligatory upon said lodge when done in pursuance of the rules, by-laws, and instructions of said lodge; and service of process or notice on a majority of said trustees, or their successors in office, shall be a sufficient service of such process or notice upon the corporation.

Trustees' names and powers.

§ 3. Said corporation shall have the power to fix the number and qualifications of the said trustees, also the time, manner, place of their election, the period of their service as such, their compensation and duties, in such a way as will not conflict with their constitution. These trustees shall select from their number a chairman and a secretary; they shall remain and continue in office until their successors shall be elected and duly qualified. The

Additional powers of corporation

1873. right to alter, amend, or repeal this act is hereby reserved to the General Assembly.

§ 4. This act to take effect from and after its passage.

Approved March 28, 1873.

CHAPTER 634.

AN ACT to authorize the Anderson County Court to issue bonds and levy a tax for the relief of certain citizens of Lawrenceburg.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

County court to levy tax to pay bonds.
 § 1. That the county court of Anderson county, a majority of the justices of the said county, in commission, being present and constituting a part of the same, may hereafter levy, in addition to the capitation tax now authorized by law, an ad valorem tax not to exceed twenty-five cents on every one hundred dollars in value of real and personal property in said county, to be estimated and ascertained by the books returned to the county court by the county assessor for each year in which said tax is made collectable, for the purpose of paying off the principal and interest of the bonds hereinafter authorized to be issued by said county court.

Sheriff to collect tax, and his powers, duties, and fees.
 § 2. The sheriff of the county shall collect the tax provided for in this act, and shall have power to levy on and distrain for, and sell the property of tax-payers to make the same, in the same manner and times as in now allowed by law in the collection of revenue; and be allowed the same commissions for collecting the same as are now by law allowed for collecting the revenue. He shall hold said tax and account for it in each year in the same way and at the same time that he is required by law to account for the county levy, and his sureties shall be liable to the county on his bond, as collector of the county levy, for the faithful discharge of his duties under this act. He shall settle with the county court for said taxes at the same time, and with the commissioner with whom he settles for the county levy, or at any other time, or with any other commissioner, as the court may by order direct; and shall pay over any money arising from said tax which may be found in his hands, or with which he may be chargeable on settlement, as said county court may direct.

County court to issue bonds.
 § 3. That the said county court of Anderson county, a majority of the justices concurring therein, be, and it is hereby, authorized to issue county bonds to an amount not exceeding twenty thousand dollars, of denominations not less than one hundred dollars, the proceeds of which to be used when sold as is hereinafter provided.

Terms and interest on bonds.
 § 4. Said bonds shall bear interest at the rate of ten per cent. per annum, payable annually, and may have any

number of years to run not exceeding ten years; the court shall prescribe the form of the bonds; they shall be signed by the county judge and attested by the county clerk; the court may appoint commissioners to sell said bonds, and may direct the time, terms, and place of selling or offering to sell the same, and shall direct what sum said bonds may issue for; the said court shall make the necessary arrangements and provisions for the payment of the interest on said bonds, and for the final payment of said bonds when they become due.

1873.

Court to appoint commissioners to negotiate bonds.

§ 5. That the county court may be assembled at any time for the purpose of taking action under this act, and for that purpose the county judge may cause the justices to be summoned to attend at such times as he may deem expedient; that the court shall have power to make all orders necessary for carrying this act into execution.

Judge to call court for purposes contemplated by act.

§ 6. The proceeds of the bonds aforesaid shall be appropriated to the relief of the sufferers by the fire which destroyed the town of Lawrenceburg on the 15th March, 1873, with such discrimination as to the merit of the beneficiaries, as in the discretion of the county court, or its commissioners, shall be considered proper.

How funds to be applied.

§ 7. That before any bonds shall be issued, or any tax shall be levied and collected under the provisions of this act, the question of levying and collecting the same shall, by an order of the county court, be submitted to the qualified voters of Anderson county, at an election to be held for that purpose, on a day designated in the order; and if a majority of the votes cast at said election are in favor of such issue of bonds, and levy and collection, the said bonds shall be issued and sold, and said tax shall be levied and collected as hereinbefore provided; said election shall be conducted by the officers provided by law for the holding of elections in said county, and the returns shall be made and the result ascertained as in the case of elections for county officers.

Question of tax to be submitted to people.

§ 8. This act shall take effect from its passage.

Approved March 28, 1873.

CHAPTER 635.

AN ACT to incorporate the Baptist Church at Elkton, Todd county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That H. G. Boone, sr., T. J. Willson, George B. Lewis, John W. Lewis, and Dr. S. M. Lowry, and their

Corporators' names.

1873.

Name and style. successors in office, be, and they are hereby, created a body-politic and corporate, by the name and style of the Baptist Church at Elkton, Todd county, Kentucky; and by said name to have perpetual succession; and by their corporation may have power to sell, buy, [and] take, by request or devise, or by gift or deed, any real or personal estate, not exceeding one hundred thousand dollars; and to hold, convey by rent, lease, or otherwise dispose of said property, with all the powers incident to religious corporations.

Corporate powers. § 2. That said trustees may sue and be sued, plead and be impleaded, answer and be answered unto, so far as may be necessary to protect the rights and property of said church, and to secure any demand due or to become due the same.

Term of office, and how vacancies to be filled. § 3. That the said trustees shall continue in office for one year, or until their successors are elected by the rules and regulations of said church; and should any vacancy occur in the said board of trustees by death, removal, withdrawal, or dismissal of any of its members from the church, or by the resignation of any of its members, the church shall elect one to fill such vacancy.

Powers of trustees. § 4. That said trustees may have and use a common seal, which may be changed at their pleasure; and that a majority of said trustees shall constitute a quorum to do business; and they shall appoint from their members a chairman and secretary; and all transfers or conveyances of church property, and all written contracts, shall be signed by the chairman and secretary, and all such conveyances shall pass the title of the church.

Trustees to keep record. § 5. The said trustees shall keep a correct record of all their proceedings, which shall at all times be open to the inspection of the officers and members of the church.

§ 6. This act shall take effect from and after its passage.

Approved March 28, 1873.

CHAPTER 636.

AN ACT to amend an act, entitled an act to incorporate "The Rebeckah Benevolent Society of Covington."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act to incorporate the Rebeckah Benevolent Society of Covington, Kentucky, approved March 9, 1868, be, and the same is hereby, so amended as to read as follows:

§ 2. That Elizabeth J. Bryant, Jane Race, E. B. Thomas, Jane Reed, Jane Wine, Frances Bean, Jane Rusk, and Emily Beckadike, their associates, successors, and assigns, be, and they are hereby, created a body-corporate and politic, by the name and style of "The Mother Lodge of the Rebeckah Benevolent Society of Covington, Kentucky," with perpetual succession and full powers; to have a common seal, and change the same at pleasure; to sue and be sued, the same as a natural person; to acquire by purchase, lease, or otherwise, real and personal property, for the use and benefit of said society, not exceeding the sum of fifty thousand dollars. They may sell, lease, and convey, or otherwise dispose of the same, and reinvest the proceeds thereof for like purposes, as their interests and necessities may require; and they may do and perform all acts for the promotion of said society not inconsistent with this act and the laws and constitution of the United States and of this Commonwealth.

1873.

Corporators' names.

Name and style.

Corporate powers.

§ 3. The objects of this association shall be purely charitable. They may provide for a weekly sum of money to be paid to its members in case of sickness, and pecuniary benefits in case of death, and for the support and education of orphans, and such other charitable objects as consistent with their constitution and by-laws.

Object.

§ 4. The said mother lodge shall have the right to establish branch or subordinate lodges in such other towns and places as may be deemed practicable and for the promotion of its objects, under such rules and regulations as may be deemed advisable.

§ 5. The mother lodge shall hold at least one session in each year, in which each subordinate lodge shall be entitled to have equal representation with the mother lodge, at which the general constitution and by-laws of the association may be amended by the members thereof.

Annual meetings.

§ 6. The subordinate lodges shall enjoy all of the rights and privileges herein granted, except the right to establish other lodges.

§ 7. The mother lodge and all subordinate lodges shall be composed entirely of females, who shall at least once in each year elect a presiding officer, a secretary and treasurer, and such other officers as they may deem necessary.

Of whom associations to consist, and officers.

§ 8. Should any of said lodges at any time have any money on hand not needed for present use, they may loan the same upon good security, at any rate of interest not to exceed ten per cent. per annum. Should they desire to dispose of any property, they may dispose of the same to the highest bidder, or at private sale or otherwise, as they may deem advisable.

May loan funds and dispose of property.

§ 9. This act shall take effect from and after its passage.

Approved March 28, 1873.

1873.

CHAPTER 637.

AN ACT to amend an act, entitled "An act to incorporate St. Augustine Cemetery, near Lebanon."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section two of the above recited act be stricken out, and in lieu thereof the following section inserted: The corporators named in the first section shall constitute the board of directors, one of whom shall be elected by the board as president; any three directors shall constitute a quorum to do business. In case of vacancy in the board by resignation, death, or permanent absence from the county, the remaining members of the board may fill the vacancy by election of a suitable person or persons.

§ 2. This act to be in force from and after its passage.

Approved March 28, 1873.

CHAPTER 638.

AN ACT for the benefit of George P. Gillum, sheriff of Logan county.

WHEREAS, It is represented to the satisfaction of this General Assembly that George P. Gillum, sheriff of Logan county, conveyed from said county to the State House of Reform James Johnson, alias James W. Jennings, convicted of breaking into a store with the intent of stealing, by the Logan circuit court at its November term, 1872; and whereas, there is no law providing for the payment of expenses incurred in conveying prisoners to said institution; and whereas, the said Gillum's fees for such service amounts to the sum of thirty-three dollars and thirty-three cents (\$33 33); therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The Auditor of Public Accounts is hereby directed to draw his warrant on the Treasury in favor of the said George P. Gillum for the above sum of thirty-three dollars and thirty-three cents, as payment for the services indicated.

§ 2. This act to take effect from and after its passage.

Approved March 28, 1873.

CHAPTER 639.

1873.

AN ACT for the benefit of J. C. Calhoun, late sheriff of McCracken county.

WHEREAS, James C. Calhoun, late sheriff of McCracken county, Kentucky, has represented to the present General Assembly that taxes and fee bills, amounting to several thousand dollars, are still due him as such late sheriff, and now remain unpaid; and that owing to his feeble and crippled condition he is wholly unable to attend to the collection of the same in person; that the present sheriff and other collecting officers of said county refuse to collect, or have any thing to do with the collection of said taxes, &c., and prays that some one be speedily appointed and empowered to collect the same for the benefit of the sureties on his official bond; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That J. R. Blunt, or any other person designated by said J. C. Calhoun, be, and he is hereby, specially appointed and empowered to take charge of and collect all unpaid taxes and fee bills which may be due said J. C. Calhoun, late sheriff as aforesaid, and to that end said Blunt, or other person, is hereby vested with all the powers incidental to the office of sheriff in levying, attaching, and selling in the collection of taxes, fee bills, &c.

§ 2. That said Blunt, or any other person designated by said J. C. Calhoun, shall execute bond to the county court of McCracken county, with good security, to pay over such moneys as he may collect to the party or parties entitled thereto, for the discharge of the duties hereinbefore specially assigned him; but that he be subject to the control and advice of said Calhoun, late sheriff as aforesaid: *Provided, however,* That said Blunt, or other person, shall be liable in the same manner as other collecting officers of this State are for a failure, in any respect, to discharge the duties required of them by this act.

§ 3. This act to take effect from its passage.

Approved March 28, 1873.

CHAPTER 640.

AN ACT to incorporate the Lebanon and Pope's Creek Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company is hereby incorporated by the style and name of the Lebanon and Pope's Creek Turnpike Route of road.

1873. Road Company, for the purpose of constructing a gravel and macadamized road from near Lebanon, commencing at or near the mouth of Col. Thomas J. Foster's lane, to Pope's creek and beyond, if necessary, in Marion county; by said name said company may sue and be sued, hold and acquire, and sell any property, real or personal, necessary for the construction or conducting of said road; and may contract and be contracted with; have and use a common seal; and the county court of Marion may authorize the subscription of five hundred dollars to each mile of said road when satisfied that bona fide subscriptions of solvent persons have been made, together with the county subscription, to complete said road, mile by mile, until five miles are completed, if so required by the county court of Marion; the work to commence at end of the road nearest Lebanon, and so continue until completed.

Corporate powers.

County court may take stock.

Commissioners' names and duties.

Powers and duties of directors.

§ 2. That Col. T. J. Foster, Thos. Ryan, Clem S. Hill, A. B. C. Daugherty, are hereby appointed commissioners, any two of whom may open books and receive subscription of stock to the capital stock of said company, at such time and places as they designate; and when three thousand dollars of stock is taken, they shall call a meeting of stockholders, after giving a reasonable notice of the time and place of the meeting, for the purpose of organizing said company by the election of a president and four directors of said company. A majority of said stockholders shall be competent to hold said election. The said president and directors shall hold their offices until their successors are elected and qualified; they shall have power to appoint a secretary and treasurer of said board, a majority of whom shall be competent to act in all matters authorized by this act to be done by the president and directors of said company. The management of the fiscal and prudential affairs of said company shall be confided to the president and directors, and their successors in office, to be chosen annually, at such times and place as the said board may direct, ten days' notice of which shall be given by public advertisement. The board shall continue in office until their successors are elected and qualified. The said board may fill any vacancy therein that may occur. No person shall be a member of said board unless he is a stockholder in said company and resides in Kentucky.

Capital stock.

Board to appoint gate-keepers and require bond.

§ 3. The capital stock of said company shall not exceed twenty thousand dollars, to be divided into shares of fifty dollars each, and each share shall entitle the holder to one vote at any meeting or election held by the stockholders.

§ 4. The said board shall have power to appoint gate-keepers, and to remove them at will; also to take from the

treasurer bond, with good security, for the faithful performance of his duties, and to remove the secretary and treasurer at will.

1873.

§ 5. The road shall not be less than eighteen feet wide ; and width of the grade shall not be less than twenty-two feet wide ; and the grade shall not exceed five degrees in any part thereof ; the said board shall have the right, whenever one mile of the road is completed, to charge toll thereon: *Provided*, The rate charged by said company shall not be greater than the rate of toll charged by the general laws of the State for the distance traveled.

Width and grade.

§ 6. That the board shall have the right to acquire the right of way for said road, and of any earth, stone, gravel, timber, or grounds for toll-houses, by voluntary release or contract: *Provided*, If that cannot be done voluntarily, they may, in the name of said company, have the same condemned by a writ of *ad quod damnum*, sued out of the Marion county court.

May acquire right of way and condemn same.

§ 7. This act shall take effect from its passage.

Approved March 28, 1873.

CHAPTER 641.

AN ACT to amend an act to incorporate the Bourbon Female College, approved March 14, 1872.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That section (7) seven of an act to incorporate the Bourbon Female College, approved March 14, 1872, be, and the same is hereby, repealed.

§ 2. This act shall take effect from its passage.

Approved March 28, 1873.

CHAPTER 642.

AN ACT to amend an act, entitled "An act to amend an act, entitled 'An act to incorporate the Boone Mining and Manufacturing Company,'" approved February 13, 1873.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That so much of said act and the original act, as limits the said company in holding or possessing lands, is hereby repealed.

§ 2. This act shall take effect from and after its passage.

[Became a law without the Governor's signature, March 28, 1873.]

1873.

CHAPTER 643.

AN ACT to amend an act to incorporate the Highland Racing Park Association.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section nine of an act, entitled "An act to incorporate the Highland Racing Park Association," approved March 10th, 1870, be, and the same is hereby, repealed.

§ 2. That this act shall take effect and be in force from and after its passage.

Approved March 28, 1873.

CHAPTER 644.

AN ACT to authorize the county court of Bourbon county to pay George M. Hibler, circuit clerk of said county, for continuing index and cross-index of suits in said court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Bourbon county is hereby authorized to pay George M. Hibler, circuit clerk of said county, for continuing index and cross-index to suits in circuit court, such sum or sums as said county court may direct; and said county court is empowered to levy a tax on the assessed property of said county for said purpose.

§ 2. This act shall take effect from its passage.

Approved March 28, 1873.

CHAPTER 645.

AN ACT to repeal an act, entitled "An act for the benefit of Levi Kash, judge of the Wolfe county and quarterly courts," approved March 6, 1868.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act for the benefit of Levi Kash, judge of the Wolfe county and quarterly courts," approved March 6, 1868, be, and the same is hereby, repealed.

§ 2. This act shall take effect from and after its passage.

Approved March 28, 1873.

CHAPTER 646.

1873.

AN ACT for the benefit of Rockcastle county.

WHEREAS, On the night of the 13th day of February, 1873, the circuit court clerk's office at Mt. Vernon, in Rockcastle county, was destroyed by fire, together with all the Statutes of Kentucky and Codes of Practice. Reports of Decisions of the Court of Appeals and Digests of the same, which had been furnished by the State for Rockcastle circuit court; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be the duty of the Secretary of State to buy and furnish for the use of the circuit court of Rockcastle county one copy of the Revised Statutes, one copy of Myers' Supplement, one copy of the Code of Practice, a full set of the Decisions of the Court of Appeals of Kentucky, one copy of Monroe & Harlan's Digest of the same, and one copy of Cofer's Digest. For the cost of said books, and the transportation of the same, the Secretary shall make out an account, and exhibit the same to the Auditor of Public Accounts, and he shall draw his warrant on the Treasurer of the State for the sum, who shall pay it.

§ 2. This act shall take effect from its passage.

Approved March 28, 1873.

CHAPTER 647.

AN ACT for the benefit of school district No. 45, in Ballard county.

WHEREAS, On account of there being no school-house finished in school district No. (45) forty-five, in Ballard county, in time to have a five months' school taught in said district; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustees of said district be authorized to teach a three months' school within the current school year, and that when taught, and properly certified to the Superintendent of Public Instruction, it shall be paid the full amount to the credit of said district for the school year ending June 30th, 1873.

§ 2. This act to take effect from its passage.

Approved March 26, 1873.

1873.

CHAPTER 648.

AN ACT for the benefit of William H. Fitzpatrick, sheriff of Floyd county for the years 1871 and 1872.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to credit on the account of William H. Fitzpatrick, sheriff and collector of the revenue of Floyd county for the year 1872, the sum of \$45 42, being the amount of damages charged against him as sheriff and collector of the revenue for the year 1871, under act approved 22d March, 1871, on the sum of \$908 32, being the balance due by said sheriff on the 1st of April, 1872; it appearing to the satisfaction of this General Assembly that said sheriff had paid off, and there would have been due him on the 10th day of April, 1872, more than enough money from the common school fund to have paid off said balance.

§ 2. This act shall be in force from its passage.

Approved March 28, 1873.

CHAPTER 649.

AN ACT to provide for the erection of school buildings in common school district No. 1, in the town of Hawesville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Boundary.

§ 1. That the commissioner of common schools lay off the boundaries of district No. 1 so that the extreme limits of said district shall not exceed one mile from the courthouse, in the town of Hawesville.

Trustees of town may issue bonds for school purposes.

§ 2. That the board of trustees of the town of Hawesville are hereby authorized to issue the bonds of said town to any amount not exceeding ten thousand dollars, for the purpose of purchasing suitable grounds within the limits of said town, and erecting thereon such building or buildings as may be deemed suitable for school purposes.

Terms and denominations of bonds.

§ 3. Said bonds shall bear a rate of interest not exceeding ten per centum per annum, which interest shall be paid annually; and said bonds shall be issued in such denominations as said board of trustees may deem proper, not exceeding one thousand dollars each, running not longer than fifteen years, and shall be redeemable at the pleasure of the board of trustees, at any time after two years.

How funds to be used.

§ 4. That the fund hereby created shall vest in the board of trustees of said town, and shall be kept as a separate fund from all other moneys of said town, and

shall be used only for educational purposes; they shall have power therewith to acquire such real estate as they may deem necessary, and erect thereon a building or buildings suitable for school purposes; and may either cash the bonds or pay them, or such proportion of them as may be agreed upon, to such persons as they may purchase real estate from, or to the contractor or contractors, or workmen who may erect the buildings herein prescribed, or may use them in any way deemed proper to carry out the provisions of this act.

1873.

§ 5. The board of trustees shall annually, by some suitable person appointed by them, make an annual assessment of the real, personal, and residuary estate and property within said boundary of district No. 1, as laid off by the commissioner; and are hereby authorized to levy a tax to any amount they may deem proper, not exceeding one dollar upon each one hundred dollars' worth of such property; and they are hereby authorized to levy a per capita tax not exceeding two dollars upon all male residents within said district boundary, of twenty-one years of age and over. The assessment thereof shall be made in the manner that is now provided by law for the assessment of property in said town, and the collection of the tax shall be had in the manner that is also provided by law.

Board to appoint assessor, and to levy tax.

§ 6. The money thus raised shall be applied exclusively to the payment of the interest upon the bonds herein authorized to be issued, and to their redemption at maturity, or at the option of the board of trustees: *Provided*, That only the property and polls of white persons shall be taxed for the purposes of this act.

How funds to be applied.

§ 7. The board of trustees, together with the common school trustees of said district, shall have the supervision and direction of all matters pertaining to the objects of this act; and are hereby authorized to appoint such agents as they may, from time to time, deem necessary to carry out its provisions.

Trustees to control affairs.

§ 8. They may acquire any property for the purposes herein set forth by donation, gift, or otherwise.

§ 9. That the proportion of money due from the common school fund to said district shall be payable to the board of trustees, who shall cause the same to be disbursed, in connection with any moneys that may be raised under this act, for the express purpose of paying teachers of said school.

Common school fund to be paid trustees.

§ 10. That the trustees of the town are hereby authorized to and shall set apart, for the purpose of paying teachers in said school, one half of the amount of all coffee-house license granted within the limits of said town of Hawesville, which fund, together with the fund

Certain license taxes to be applied for school purposes.

1873. from the State, shall be used only for purposes hereinbefore set apart in this act.

§ 11. That all fines for breaches of the peace within said district, and for violation of the town ordinances, shall be paid to the board of trustees; and said amounts so paid shall be added and become a part of the fund to be paid for tuition.

Trustees to have schools taught.

§ 12. That it shall be the duty of the board of trustees to have, after said school buildings are completed, at least eight months of school taught, at which every white child in said district of pupil age may have the privilege of attending free of charge; and should there not be sufficient funds for said purposes of paying teachers, then the trustees are authorized to levy a tax as hereinbefore set forth to make up any deficiency which may exist.

§ 13. That there shall be three trustees elected on the part of the common school, which trustees shall act in conjunction with the town trustees, so far as said schools are concerned.

Trustees to make report.

§ 14. That it shall be the duty of said trustees to make an annual report to the Superintendent of Public Instruction or county commissioner, of all money received and expended, and for what purpose the same was expended.

Election of trustees, and their powers.

§ 15. That the election for school trustees for said district shall take place at the same time and place as the election of trustees of the town; and after the organization of said board, they shall elect one of their number as presiding officer, one as clerk, and one as treasurer, who shall give bond for the faithful performance of their duty; and it shall be the duty of the person appointed to make the assessment of the property subject to taxes; also to take the census of all the white children of pupil ages in said district, and return the list, one copy to the board of trustees, and one to the commissioner of common schools; such assessment and census shall be made during the month of April in each year.

§ 16. That the trustees are hereby authorized to sell and convey the house and lot belonging to said district No. 1, and the proceeds of said sale shall be placed to the fund herein provided for building school-house, &c.

Question of tax to be submitted to people.

§ 17. That the trustees submit the question of taxation to the qualified voters therein at the first regular election; and if a majority of the votes cast are in favor of said tax, then the trustees may proceed to levy the same.

§ 18. This act shall take effect from its passage.

Approved March 28, 1873.

CHAPTER 650.

1873.

AN ACT to prohibit the sale of spirituous, vinous, or malt liquors in Crittenden county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter, neither the county court of said county of Crittenden, nor the trustees of any incorporated city or town in said county, shall have power or authority to grant a license to any person or persons to sell any spirituous, vinous, or malt liquors, or a mixture of either, to be drank as a beverage in said county, or for any other purpose whatever.

Unlawful to grant license to sell liquors in said county.

§ 2. If any person or persons shall sell or give to another any spirituous, vinous, or malt liquors, or a mixture of either, to be drank on his or her premises, except to a member of his or her own family, such person or persons, he, she, or they, shall be guilty of the offense of selling by retail without license, and shall forfeit and pay to the Commonwealth of Kentucky, for each separate offense, not less than twenty-five dollars nor more than fifty dollars, to be recovered in any court having jurisdiction of like sums, upon "information;" and it shall be the duty of the county attorney of said county to attend to and prosecute all such actions, and shall have as a fee for his services in such cases two dollars and fifty cents, to be taxed and collected as costs from the defendant, if he be convicted on said charge, and also twenty-five per cent. of all fines, forfeitures, and judgments rendered in such actions, to be paid to him by the collecting officer, when collected; and the remainder of said sums of money shall be paid to the trustee of the jury fund, and shall be a part of said fund.

Penalty for giving or selling liquors.

§ 3. It shall be the duty of the county court at the May term, 1873, of said court, to make an order submitting to a vote of the people of said county the question of "License, or no license," to be taken at the regular election on the first Monday in August, 1873; and if a majority of the votes given at said election shall be for "No license," then this act shall take effect and be in force from and after the counting said vote, provided the majority of the votes given at said election shall be for "License," then this act shall not be in force.

License question to be submitted to people.

§ 4. If this act shall be rejected by the majority of the votes given at the election aforesaid, the same shall be submitted to vote at the regular election on the first Monday in August, 1875; or upon the petition of twenty of the legal voters of any of the voting districts in said county, the county court shall at any term of said court make an order fixing a day, on which day a vote shall be taken on the questions of "License or no license;" and if a majority of the legal votes given at the election so

If act is rejected, may be again submitted to people.

1873. ordered shall be given against the license, then this act shall be in force in said voting district from and after the day of said election.

§ 5. This act shall take effect from its passage so far as to authorize the necessary orders to be made and steps to be taken to submit the same to vote of the people, and for other purposes shall take effect only upon conditions named in previous sections.

Approved March 29, 1873.

CHAPTER 651.

AN ACT chartering the Young Men's Savings Association, of New Liberty, Owen county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Corporators' names. Name and style. Corporate powers. § 1. That Alfred Branham, R. H. Gale, David L. Frasier, Thomas S. Fish, Jos. F. Chambers, John Branham, and A. Frazier, and their successors, are hereby created a body-corporate, under the name of the Young Men's Savings Association; and shall have power and authority by that name to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and defend, in all courts and places as a natural person; and may have and use a common seal, and alter and change the same at pleasure.

Capital stock. § 2. That the capital stock of said association shall be one thousand dollars, which may, from time to time, be increased to not over fifty thousand dollars, in shares of ten dollars each, and no one person shall be allowed to take more than five shares during the first year; but persons owning less than five shares may increase the same at the end of each year, at his discretion, until all shareholders are made equal, and all stockholders may increase their stock two shares each year.

Books of subscription to be opened. When company may commence business. § 3. It shall be lawful for the corporators named in the first section of this act to open books for the subscription of the capital stock authorized to be raised by the second section thereof, any three of whom may act; and when the sum of one thousand dollars is subscribed and paid in, they may proceed to business by organizing, electing one of their number as president, and one as cashier, who shall serve without compensation.

Powers of directors. § 4. The board of directors are required to loan out the funds of the association, at a rate of interest not exceeding ten per cent. per annum, for not exceeding six months at a time; and when due, the same may be renewed or collected, and again loaned, at their discretion. They shall require at least two solvent indorsers to each obli-

gation for loans made, or the same may be secured by mortgage upon unencumbered real estate worth at least double the amount of the sum loaned.

1873.

§ 5. At the expiration of each year, it shall be the duty of the board of directors to declare a dividend of the profits of the same, pro rata, among the owners of stock, the same to be paid in additional stock only; and each stockholder is hereby authorized, upon the declaration of said dividend, to add to the same an amount sufficient to make one share of additional stock, and no more, except as provided for in the second section of this act.

Board to declare dividends.

§ 6. That it shall not be allowed for any stockholder to withdraw from this association, or to receive any cash dividends for the term of ten years; but any owner of stock shall be allowed, and he is hereby authorized, to sell the same; but the stock shall only be transferable on the books of the association, at their office in New Liberty, Owen county, Kentucky.

Members not to withdraw but may sell stock.

§ 7. That it shall be the duty of the board of directors to give at least ten days' notice that an election will be holden at the office of the association in New Liberty, for the purpose of electing a board of directors for this association; and the board created by this act shall be empowered to act for twelve months from the organization of the same, and no longer. The stockholders shall give one vote for every share of stock held by them; and when the board of directors are elected, they shall elect one of their number as president of the board, and the board so organized shall select one of their number to act as cashier for the association; the board so elected and organized will continue in office for one year, and until their successors are elected.

Notice to be given of election of directors.

§ 8. This act to be in force from its passage.

Approved March 29, 1873.

CHAPTER 652.

AN ACT to prohibit the sale of spirituous liquors or intoxicating beverages in Greenup county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court, and all other county and municipal authorities within the county of Greenup, are prohibited from granting any license to any person or persons to vend or dispose of any spirituous liquors or intoxicating beverages within said county in a less quantity than one gallon, and no person shall vend or dispose of a less quantity thereof than one gallon; and all licenses for the vending or disposing of less than one gallon so

Unlawful to grant license to sell liquors in said county in quantities less than gallon.

1873. granted, after this act takes effect, shall be absolutely void.

Penalty for
allowing liquors
to be drank on
premises.

§ 2. No part of such ardent spirits or intoxicating beverages, when sold in quantities of one gallon or less than ten gallons, shall be drank on any other premises than the premises of the purchaser, or premises under his control; and if so drank upon premises not in the possession of the purchaser, or under his control, the vendor, or person disposing of the same to the vendee or receiver, shall be guilty for each act of keeping a tippling-house, and subject to all the penalties now imposed by law on persons keeping a tippling-house; and shall, moreover, be liable in a civil action for all damages resulting from the use thereof; and which right of action shall first be given to the wife, in case the damage resulted from the use by the husband; and second, if there be no wife, then to the minor children; and if there be no minor children, then to any person who shall sue, and half of the recovery, the other half to the county in aid of the repair of roads and bridges.

In whom right
of action to lie.

Act to be sub-
mitted to people.

§ 3. The first and second sections of this act shall take effect and be in force from the 15th August, 1873: *Provided*, A majority of the persons qualified to vote for Senators and Representatives, who shall vote at the August election for or against the act, shall vote "Yea."

Powers and du-
ties of officers of
election.

§ 4. The sheriffs and other officers of the election, at the different voting places in said county, shall cause two columns to be opened on the poll-books of said election, marked "Yea" and "No;" the persons voting for the act shall be counted in the column marked "Yea," and those voting against it in the column marked "No." The same penalties are prescribed, and shall be recovered by like remedies against the officers of election and other persons for frauds or neglect of duty in the conduct of the election or for illegal voting, as are by law imposed in the election of Senators and Representatives.

§ 5. The board of canvassers of the election held in said county shall count the votes for and against the law, and declare the result, and shall give one or more certificates thereof, one of which shall be presented at the next county court held thereafter, and the same shall be recorded on its order-book.

§ 6. The third, fourth, fifth, and sixth sections of this act shall take effect from its passage.

Approved March 29, 1873.

CHAPTER 653.

1873.

AN ACT to establish a common school for the benefit of the colored people of Catlettsburg and vicinity.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That there is hereby established a common school for the benefit of the colored people of Catlettsburg and vicinity, which shall be known as the Catlettsburg common school; and there is hereby established the Catlettsburg colored common school district, which shall be bounded as follows, viz: beginning on the Ohio river at the mouth of Horse branch, and running up the same to the turnpike bridge; and from thence, a westerly course to the top of the ridge, and with the same to the head of said branch; thence a straight course to John Scott's, residing on Catlett's creek; thence to Thomas Stevens' house, on the Catlettsburg and Grayson Turnpike; thence a straight course to the forks of Chadwick's creek; thence with the meanderings of the same to the Big Sandy river, and down the same to the Ohio river, and down the Ohio river with the water-line to a point opposite the mouth of Horse branch, and thence to the beginning.

Colored common school established

Boundary of district.

§ 2. There shall be elected by the qualified colored voters and widows with children of the school age, on the first day of December of each year, except when it falls on Sunday, and then on the succeeding day, five trustees, who shall be citizens and householders, and hold their office until their successors are elected and qualified; and have the exclusive control of said school in every respect, and have all the powers and be under the same liabilities and penalties as trustees under the general school law which apply to this district, where pertinent and not inconsistent herewith. Said trustees shall have power to sue and be sued as trustees of the Catlettsburg common school, to contract and be contracted with, of pleading and being impleaded, and of answering and defending, in all courts and places whatever; they shall appoint a treasurer, who shall receive and disburse all moneys on the order of the trustees, and hold his office until his successor is appointed and qualified. Before entering upon the discharge of his duties, the treasurer shall execute bond before the Boyd county court, with good and sufficient security, for the faithful performance of his duty so long as he may continue treasurer.

Trustees to be elected, their term of office, duties, and powers.

§ 3. Said trustees shall annually assess a poll-tax of not exceeding two dollars (\$2) on each colored male over eighteen years of age, within said district (and widow with children of school age), and have for this purpose use of the assessor's books, except where persons are not entered

Trustees to assess tax for school purposes.

1873.

Collector to
be appointed—his
term of office,
powers, & duties.

thereon. They shall appoint a collector, who shall continue in office until his successor is appointed and qualified, and who shall, before proceeding to act, execute bond before the Boyd county court, with good and sufficient security, for the faithful performance of his duty. He shall be entitled to the same compensation as sheriffs, and may attach any money or other thing due or coming to any one against whom he has taxes for collection, by leaving a written notice with the person indebted. He shall return the original notice before any justice of the peace in said district, who, in five days from the day of service, may proceed to try said attachment as ordinary attachments are tried.

Fines and pen-
alties of colored
people to go for
said school pur-
poses.

§ 4. All municipal fines and penalties inflicted on colored persons for offenses committed in said district, shall be for the benefit of said schools; and the delinquent list of colored persons living in said district of the town of Catlettsburg and Boyd county, shall be turned over to said trustees, who shall collect the same as they have other taxes collected, for the benefit of said colored school; and the trustees of Catlettsburg and the county court of Boyd county may turn over to said trustees for the benefit of said school all taxes derived from colored persons living in said district.

Eligibility of
scholars.

§ 5. All persons between the ages of five and twenty-five years, living in said district, shall be entitled to attend the school taught therein, and the trustees may allow others to attend by paying a reasonable tuition fee.

Qualifications of
teacher.

§ 6. No one shall be employed as a teacher in said school who is not possessed of a certificate of qualification from the school commissioner of Boyd county.

May acquire
property.

§ 7. Said trustees may acquire by gift, grant, devise, or bequest, not exceeding one acre of land, upon which to build a school-house, which shall be located as near as can be the centre of colored population in said district. They shall allow the treasurer not exceeding five per cent. of the money received by him as compensation, at the end of the term of office of the collector and treasurer. They shall make a full settlement with the trustees, who shall post a copy of the same on the school-house door.

Fees of treasurer
and collector.

§ 8. That five trustees may be elected within sixty days from its passage, who shall hold their office until the first day of December, 1873, and until their successors are elected and qualified; and they may provide, as herein authorized, for a common school for the year 1873.

§ 9. This act shall take effect from its passage.

Approved March 28, 1873.

CHAPTER 654.

1873.

AN ACT to amend the charter of the town of Frenchburg, in Menifee county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the town of Frenchburg, in Menifee county, be so amended as to vest in the trustees of said town concurrent jurisdiction with the county court over [the] granting of license for the sale of spirituous liquors at retail in said town; and said trustees shall be allowed to tax for said license not more than fifty dollars for each license granted to them. Nothing in this act shall affect the right and duty of the county court to take bond and security, in all cases of sales of spirituous liquors by the retail in said county; and no license shall be issued under this act until bond is executed before the county court as required by law.

§ 2. This act shall take effect from its passage.

Approved March 29, 1873.

CHAPTER 655.

AN ACT to amend the charter of the town of Marion, in Crittenden county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the town of Marion, in Crittenden county, be so amended as to prohibit the board of trustees or police judge of said town from granting coffee-house license.

§ 2. That all other acts or parts of acts, in conflict with the provisions of this act, are hereby repealed.

§ 3. The board of trustees of said town shall have power to tax hotel-keepers to sell liquors by the drink, in any amount not exceeding two hundred dollars for each year, in addition to the tax now required by law; and the county court shall have no power to grant license to any hotel-keeper in said town to retail spirituous or vinous liquors by the drink, until the tax imposed by the said board of trustees under this act shall have been paid.

§ 4. This act to take effect and be in force from and after its passage.

Approved March 29, 1873.

1873.

CHAPTER 657.

AN ACT to incorporate Phantom Lodge, No. 15, of the Knights of Pythias.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Corporators' names. § 1. That James B. Lloyd, B. P. Watkins, George C. Snyder, John M. Shryock, W. B. Till, Thomas Foreman, William Farley, G. D. Wilson, P. B. Dudley, George H. Shoenberger, John W. Wolenberg, E. A. Short, X. M. Sayre, and their associates, be, and they are hereby, created a body-corporate, by the name of Phantom Lodge, No. 15, of the Knights of Pythias; and they and their associates and successors shall so continue and have perpetual succession; and by that name are made capable in law, as natural persons, to sue and be sued, plead and be impleaded, contract and be contracted with, answer and be answered, in all courts of law and equity in this Commonwealth; to make, have, and use a common seal, and the same break, alter, or amend at pleasure; they may make and ordain regulations and by-laws for their government, and may alter, change, or renew the same at pleasure: *Provided*, Such by-laws be not in conflict with the constitution, laws, and regulations of the Grand Lodge of Knights of Pythias of the State of Kentucky, of the Constitution and laws of the United States or of this Commonwealth.

May acquire and dispose of property. § 2. Said Lodge shall have the power to hold and own personal property, the same as a natural person, and may acquire and hold real estate not exceeding thirty thousand dollars in value, and may, from time to time, sell and dispose of the same, or any part thereof, at pleasure, with power to reinvest the proceeds in real estate, in their discretion, and again to sell and dispose of same as before.

§ 3. The right to alter, amend, or repeal this act is reserved to the General Assembly.

May issue bonds to build hall. § 4. For the purpose of erecting a suitable lodge, the corporators are empowered to issue bonds, not exceeding \$20,000 in amount, bearing interest at a rate not exceeding eight per cent. per annum, and payable at a time not greater than five years from their issuance.

§ 5. This act shall take effect from and after its passage.

Approved March 29, 1873.

CHAPTER 658.

1873.

AN ACT making an appropriation for the benefit of J. C. Farley, of McCracken county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, authorized and directed to draw his warrant on the Treasurer of this Commonwealth, in favor of J. C. Farley, of McCracken county, for the sum of forty-two dollars.

§ 2. This act shall take effect from its passage.

Approved March 29, 1873.

CHAPTER 659.

AN ACT for the benefit of R. W. Lawler, jailer of Franklin county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts is hereby directed to draw his warrant upon the Treasurer in favor of Robert W. Lawler, jailer of Franklin county, for the sum of ninety dollars, payable out of any money in the State Treasury not otherwise appropriated, in order to refund to said Lawler the amounts which he has paid out of his private funds as rewards for the recapture of certain desperate felons, who escaped from the jail of Franklin county.

§ 2. This act shall be in force from its passage.

Approved March 29, 1873.

CHAPTER 660.

AN ACT authorizing the City Council of Frankfort to make a subscription to the Lawrenceburg sufferers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the city council of the city of Frankfort be, and they hereby are, authorized to make a subscription, not exceeding one thousand dollars, to the sufferers of the Lawrenceburg fire of the 15th instant.

§ 2. This act to take effect from and after its passage.

:[Became a law without the Governor's signature, March 29, 1873.]

1873.

CHAPTER 661.

AN ACT to authorize the Hickman county court to issue bonds for bridges, and to raise a sinking fund to pay same.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

County court
may issue bonds.

§ 1. That the Hickman county court, a majority of the justices concurring, is hereby authorized to issue, for bridge purposes, the bonds of said county not exceeding eight thousand dollars in amount, at not longer date than ten years, to bear an interest not exceeding ten per cent. per annum, which bonds may be in such amounts, and principal and interest payable at such place or places, as the said county court may direct; the interest to be payable annually.

County court to
levy tax to pay
bonds.

§ 2. To meet the annual interest on said county bonds, to pay all the expenses incident to the issual thereof, and the payment of principal and interest, and all expenses incident to the conducting a sinking fund, and to provide a sinking fund fully sufficient to pay and liquidate the principal when due, it shall be the duty of the county court, annually, to levy an ad valorem tax on the property subject to pay State revenue, which, when added to the poll-tax, shall be sufficient to defray the necessary county expenses, and the expenses before named, and put with the principal of the sinking fund at least eight hundred dollars annually, until a sufficient fund is provided to liquidate said bonds when due.

Names of sink-
ing fund commis-
sioners and their
powers.

§ 3. That Nathaniel P. Moss, Joseph D. Hays, and Jno. T. Moore shall be, and are hereby, constituted sinking fund commissioners; and they and their successors are constituted a body-politic and corporate, by the name of the Hickman County Sinking Fund Commissioners; and as such, and by that name, may contract and be contracted with, sue and be sued; but before the funds of the county, raised for the sinking fund purposes, shall be put into their hands, they shall execute bond to the Commonwealth of Kentucky, with good security, to be approved by such county court in double the amount of funds which may go into their hands, or be under their control for the ensuing year; and it shall be the duty of said court to renew said bond annually.

Duties of com-
missioners and
liabilities.

§ 4. It shall be the duty of said sinking fund commissioners to loan out the money raised by the county for sinking fund purposes, and to take bond and good security therefor; and there shall be a prior lien for any indebtedness due said sinking fund commissioners from the date of the indebtedness on the property of those so indebted; and for any malfeasance, misfeasance, or non-feasance of duty by said commissioners, the said

county court may recover, by motion or suit, in the Hickman circuit court on said bond.

1873.

§ 5. The rate of interest at which such fund shall be loaned shall be ten per cent. per annum; and said interest shall be compounded if not paid promptly, and if paid promptly when due by the borrowers, it shall be loaned out by the said commissioners at the same rates, the object being to loan out the principal at ten per cent., and to make the annual interest principal, so as it shall be loaned out again at the same rates; should the interest, for any cause, on any of the loans be delayed, the interest shall be compounded annually at the rates herein specified.

Rate of interest on loans.

§ 6. The county court shall have the right to fill vacancies which may occur in said board of sinking fund commissioners for any cause; and before such newly appointed commissioner shall enter on the discharge of his duties, he shall execute a like bond, to be approved by said county court; and said court may, from time to time, remove any sinking fund commissioner for any violation or neglect of duty.

County court to fill vacancies in board.

§ 7. Before entering on the discharge of his duties, each sinking fund commissioner shall take an oath well and faithfully to discharge his duties according to law, and according to the best of his abilities.

Commissioners to take oath.

§ 8. It shall be the duty of the county court annually to order the sheriff or county collector to pay over to said sinking fund commissioners the amount directed to be added to the principal of the sinking fund; and should he fail to do so, said commissioners may motion the sheriff or collector and his securities before the county court, which court shall render judgment on the bond of such sheriff or collector, which judgment shall not be repleviable; and any execution which may issue thereon shall be indorsed, no security of any kind to be taken, and the money shall be demandable thereon.

County court to have certain funds paid to commissioners.

§ 9. The county court may authorize said sinking fund commissioners to sell said county bonds; but they shall not in any event be sold at less than their par value; and said county court may, from time to time, make orders for reasonable compensation to said sinking fund commissioners for their services.

County to order commissioners to sell bonds, and allow their compensation.

§ 10. It shall be the duty of the sheriff, if the county court shall so order, to collect poll and ad valorem taxes levied for the purpose of paying the annual interest and adding to the sinking fund; and for any breach of duty a motion may be maintained against him and his sureties on his bond.

Sheriff to collect taxes and be liable on bond.

§ 11. The said sinking fund commissioners shall not loan out said sinking fund the last year before said county

Commissioners to pay bonds at maturity.

1873. bonds are due, but shall collect the said loans so as to have the funds on hand to meet the bonds of the county at maturity ; and they shall be authorized, any time during the last year said county bonds have to run, to exchange at par any indebtedness due said sinking fund for any of said county bonds, and shall likewise have the right to liquidate any such bonds with any cash on hand, under such conditions as may be prescribed by said county court.

How bonds to
be issued.

§ 12. Said county bonds shall be ordered to be issued by a court consisting of a majority of all the justices of the peace of said county, and shall be signed by the presiding judge of the county court, and attested by the county court clerk ; and if annual coupons be desired by said court for the interest, they shall be signed by the county court clerk.

If sheriff be sued
for taxes, dam-
ages in interest to
be allowed.

§ 13. That should the sheriff or county collector have to be motioned or sued for any default by either the county court or sinking fund commissioners, the court rendering judgment shall also add to the principal sum interest at the rate of ten per cent. per annum from the time the principal should have been paid or the default occurred, and direct that said judgment shall bear interest from its date until paid.

§ 14. That the county court may, at its discretion, place in said bonds a stipulation that the same may be paid off at the pleasure of said court ; and instead of ordering said money (raised to constitute the sinking fund) to be loaned out, apply the same to the payment of any of said bonds.

§ 15. That said court may have power at its discretion to reduce the number of commissioners of the sinking fund to one or two, as they may deem expedient.

§ 16. This act shall take effect from its passage.

[Became a law without the Governor's signature, April 7, 1873.]

CHAPTER 662.

AN ACT to organize the Morganfield Public School.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Brundary of
district.

§ 1. That all the territory embraced within the following limits, to-wit : an area of five miles square, the exact centre of which shall be the centre of the crossing of Main and Morgan streets, in Morganfield, Kentucky, and which centre shall be exactly two and one half miles from the middle of each side line of said area, shall be, and is hereby, incorporated as a school district, which shall be under the control and management of a board of trustees, consisting of Crom. Adair, M. R. Wal-

Trustees' names.

ler, D. H. Hughes, Jesse S. Taylor, S. M. Taylor, Hiram McElroy, jr., C. B. Hager, Gip Taylor, and D. T. Hopgood, who shall hold their office until their successors are elected and qualified as hereinafter provided. 1873.

§ 2. Said trustees shall constitute and be styled the Board of Trustees of the Morganfield Public School; and by that name shall be known as a body-politic and corporate; and may sue and be sued, contract and be contracted with; may buy and sell and convey real and personal estate; and the title to all school property in said district shall vest in said board and their successors forever. Name and style.

§ 3. The said trustees, before entering upon their duties, shall take an oath faithfully to discharge their duties; and shall, within one month after the incorporation of this, the said school district, meet and organize. The president of said board shall be one of their own number, selected by themselves at their first regular meeting, in case of whose absence or inability to act, a majority of said board shall elect one of those present to act as chairman, to preside and discharge the duties of president *pro tempore*. Trustees to take oath.

§ 4. Said board shall appoint one suitable person to act as secretary, and another to act as treasurer, each of whom shall hold his office for one year, and until his successor is appointed and qualified, and shall perform such duties as generally pertain to their respective positions of secretary and treasurer, and all such duties as may be prescribed by the board. Trustees to appoint officers.

§ 5. The said trustees shall, as soon as practicable after the passage of this act by the Legislature, publish this act calling an election submitting this proposition to the legal white vote of said district; and also, at the same time, ten trustees of said school, all of whom must be bona fide residents of said district, shall be elected, who, when qualified, shall succeed the trustees herein named; and said trustees so elected and qualified shall, at their first regular meeting, divide themselves into two classes of five each, and shall then determine by lot which class shall hold their office until the first day of September, 1873, and which class until the first day of September, 1874, which shall be recorded in their journal; and the term of office of each class shall expire upon the day so decided, and the citizens of said school district shall, upon the first Monday in August next, and in each succeeding year, elect, as in all other elections, five suitable persons as school trustees, who shall hold their office for the term of two years: *Provided*, That said trustees shall always hold their office until their successors are duly elected and qualified: *And provided further*, That, Upon notice, act to be submitted to people. Trustees to be elected and terms of office fixed.

1873. in any event, it should become expedient or necessary to add to the number of trustees as herein provided for, the increased number so determined shall be appointed by the then existing board, which appointees shall determine by lot their term of office as hereinbefore directed, and their successors shall be elected by the people in the usual way. Said trustees shall reside in said school district; and if any trustee shall remove from said district after his appointment or election, his office shall be vacated, and appointment made to fill such vacancy.

Management of schools to be by the trustees.

§ 6. The control and management of said public schools, and the property and funds belonging thereto, and which may accrue in any way to them or for their establishment, management, or maintenance, under this act, or otherwise, shall be vested in said board of trustees and their successors in office.

Trustees to fill vacancies.

§ 7 Said board of trustees shall have power to fill all vacancies in its own body, make all by-laws and rules for the government of themselves and appointees, and for the dispatch of business, and for the management and control and government of the schools, and to enforce such by-laws and rules by suitable fines and penalties, to be recovered in any court having jurisdiction of the amount.

Quorum. Meetings. How contracts to be made, &c.

§ 8. A majority of the members of said board shall constitute a quorum for the transaction of business; they shall meet at least once in every month, and shall fix the time of their meeting, and may meet as often as to them may seem necessary for the transaction of business. A majority of those present may transact any business, except in the making of a contract for the purchase or sale of real estate, for the erection of any building, or for the paying out of money, in which cases a majority of the entire board must concur, and the yeas and nays shall be polled and recorded in the journal.

Board to keep journal of proceedings.

§ 9. Said board shall cause to be kept a regular and correct journal of their proceedings in a well-bound book, which shall at all times be open to the inspection of any of the members of said board, or to any committee appointed by the citizens of said district, in a regular manner, for such purpose; but to no other person or persons, except by order of the board, or at the option of the officer in whose charge such books are kept.

Board to appoint teachers, fix salaries, &c.

§ 10. The board of trustees shall appoint all teachers and other persons necessary to successfully carry on said schools, and prescribe all rules for their government, and fix their compensation or salaries; and may dismiss or suspend any teacher or other person appointed by them, prescribe the branches of education to be taught in the schools, grade the schools and classes, and prescribe the

necessary qualifications for, and the mode of examination of, pupils or persons applying for admission to the schools.

1873.

§ 11. All white children over six and under twenty years of age within said district shall have equal rights of admission to said school, and no fees or tuition shall ever be charged.

Eligibility of scholars.

§ 12. No catechism or other forms of religious belief shall be taught or inculcated in, nor shall any class-book be used or adopted for, said school which reflect upon any religious denomination, nor shall any class or classes be so conducted as to interfere with the religious belief of parents or pupils.

No religious teaching allowed.

§ 13. The secretary shall attend all meetings of the board, keep their records and papers, and perform such other duties as may be required or prescribed by said board of trustees; and shall receive such salary as may be fixed by the board, and paid at such times as they may direct.

Duties and compensation of secretary.

§ 14. The treasurer, before entering upon his duties, shall execute a bond to the board of trustees, with good and ample sureties, to be approved by the said board of trustees, conditioned for the faithful performance of all his duties, and to pay over to the proper persons all moneys which may come to his hands by virtue of said office. He shall receive and dispense the money belonging to the school fund, keep accurate and true accounts, in well-bound books, of his acts, and perform such other duties as may be required or prescribed by said board of trustees: *Provided, however,* That he is at no time to pay out or disburse the money of said school fund, except upon an order directed to him officially, and signed by the president of the board of trustees, and indorsed by the secretary; and for such services he shall receive such salary as may be fixed by the board, and paid at such times as they may direct.

Duties and compensation of treasurer.

§ 15. The board of trustees shall at the end of each scholastic year, and oftener if required, make out and report to the patrons of said school a written or printed statement, in circular form, showing the number of pupils in said school, and the condition and amount of property and funds belonging thereto, and such other information as may be desired.

Trustees to make annual report.

§ 16. The said board of trustees shall provide the funds for building, buying, or leasing the school-house, and sufficient and suitable grounds in connection therewith, within the corporate limits of the town of Morganfield, Kentucky, and for paying all expenses of the said public school; and for said purposes the said board of trustees are hereby authorized and empowered to issue the bonds of the

Trustees to provide houses and grounds for school purposes.

May issue bonds for said purpose.

1873. Morganfield public school district, in such amounts as may, from time to time, become necessary, but which amounts shall not in the aggregate exceed the sum of ten thousand dollars. The said bonds may be of any denomination not less than one hundred nor more than one thousand dollars, running not longer than twenty years, and bearing interest at any rate not exceeding ten per cent. per annum, payable semi-annually; or they may issue bonds, payable at any time not exceeding twenty years, and bearing interest at any rate not above ten per cent. per annum, payable semi-annually, or at the maturity of said bonds, as said board of trustees may deem best. The said bonds in this section provided for shall be made payable to bearer; shall be signed by the president, and attested by the clerk of said board of trustees, and shall pass by delivery, and shall be sold or discounted by the board of trustees or such persons as they may authorize, for the best price they can get, or paid out for any building or any other indebtedness created on account of such school; and the said board of trustees shall cause an annual tax to be levied and collected by an assessor and collector, to be appointed by said board of trustees, upon the same property in said school district as is taxed by the State for common school purposes, and the assessments to be made at such time as by said trustees may be directed, to an amount sufficient to pay the interest on said bonds and the principal when it becomes due. The assessor appointed by them shall make the assessments necessary for the fixing and collection of said tax, under such provisions and rules as may be prescribed by said board of trustees. Said taxes and expenses of collecting the same shall be collected by the person appointed for that purpose, at the direction of said board of trustees, by levy, distress or sale, in the same manner as the county and State revenue is now collected; and the officer so collecting said tax shall, with his sureties, be held responsible on his bond, which shall have been previously filed with and approved of by said board of trustees, for the faithful performance of his duties, with such penalties as are now prescribed by law for delinquencies. This tax, together with an amount sufficient to pay the current expenses of said public school, shall always be collected in money, and shall only be used in paying the interest and principal of any of said bonds and the expenses of said school: *Provided*, That the interest coupons may be taken in payment of such tax, and the bonds themselves may be liquidated before maturity, at the discretion of said board of trustees; and for these purposes the said board of trustees shall cause to be levied and collected an annual tax, at the rate of not more than sixty cents on the one hundred dollars' worth of the same

Board to levy tax
to pay bonds.

Assessor—his
duties.

Powers and du-
ties of collector.

property that is now taxed by the State for common school purposes, situated within the limits of said school district, the assessment and collection of the same to be made as hereinbefore provided: *Provided always, however,* That only the property belonging to white persons shall be taxed.

1873.

§ 17. The funds arising from the collection of such taxes shall be paid into the hands of the treasurer of the board of trustees by the collector, and his receipt taken for the same by the first day of January in each year; or said collector shall be a delinquent, and liable to same penalties as sheriffs or collectors of the State for failing to collect or pay over State revenue, and shall be proceeded against in the same way, except that the proceedings shall be in the name of the board of trustees in the Union circuit court or court of common pleas. The execution upon any such judgment in the said court shall be directed to the sheriff of Union county, or to any officer the court may direct; and sheriff or officer shall collect and account for the same, and be responsible upon his bond, as in other cases of executions placed in his hands.

Funds to be paid by collector to treasurer.

Penalty for failure to collect and pay tax.

§ 18. The funds arising from the sale of said bonds, and all other moneys in the school treasury, shall be under the control and management of said board of trustees, and shall be used for the sole purpose of said public school and purchase of property and erecting buildings therefor; and they shall not be used for any other school excepting that under control of said board of trustees. If any of said trustees, or the treasurer, shall appropriate any of said funds to his own use, he shall be deemed guilty of a felony, and, upon conviction, shall be confined in the penitentiary not less than one nor more than five years.

How funds to be applied.

§ 19. The commissioner or commissioners for common schools shall annually make an estimate of the share or proportion of the State common school fund which would be coming or due to the school district of Morganfield as heretofore described, and shall annually pay over to the board of trustees herein created the full amount of such proportion or share, which shall be held and used by them as the other funds herein provided for.

Board to receive share of common school funds.

§ 20. All lands within the boundary of said school district which shall escheat, or in any way be forfeited to the Commonwealth, shall vest in said board of trustees, to be used, held, and controlled by them as other property and funds.

Escheated lands to vest title in trustees.

§ 21. The board of trustees shall have the right to condemn any private property for school purposes whenever, in their opinion, it shall be necessary, by first paying therefor in money its fair cash value, if such value can be fixed by agreement; if such value cannot be agreed, then, upon

Trustees may condemn private property by writ.

1873. application of the board of trustees, the county court of Union county shall issue a writ of *ad quod damnum*, directed to the sheriff, to be executed and returned to said court as in cases of opening roads; and upon return of said writ, duly executed, the said court shall adjudge the payment of said damage, and upon payment thereof, the court shall issue a writ requiring the sheriff to put the said board in possession of said lot, and thereupon the title to said lot shall vest in said board of trustees: *Provided*, They shall not have the right to condemn any private property which is used by the owner as a residence for himself or family.

Board to make report of amount of funds needed.

§ 22. The board of trustees shall, in the month of March or April of each year, make a report or estimate, in writing, to the citizens of said school district, showing the probable amount of money necessary to properly conduct said public school for the next scholastic year, which amount shall be levied and collected by taxation, as hereinbefore directed.

Non-resident children may be admitted to said school.

§ 23. The board of trustees may admit into said public school white children, who are non-residents of the school district of Morganfield, upon such terms and conditions, and upon payment of such charges, as to the said board may seem right.

Act to be submitted to people.

§ 24. This act shall take effect and be in force so soon as the same shall be ratified by a majority of all votes cast of the qualified white voters of said school district, at any election held for the purpose of taking the sense of the voters upon the subject of such ratification. The board of trustees shall cause this act to be published, and due notice given of any election to be held for such purpose.

Surveyor to run boundary.

§ 25. The trustees named in the first section of this act shall cause C. C. Buchanan, surveyor of Union county, to survey and establish the lines and corners of the territory embraced by this act, and return to them a fair plat thereof, at least twenty days before the election to ratify this act, which plat shall at all times be open to public inspection.

Upon petition of property-owners, district may be enlarged.

§ 26. The trustees of the Morganfield public school may, on the petition of any person or persons whose land or lands adjoin the district as herein laid down, embrace his or her or their lands within said district, and give him, her, or them the benefits of this act, on his or her or them paying, or agreeing to pay, the taxes to be levied on his, her, or their property for the benefit of the said public school, just as though he, she, or they were included within the area of five miles square; and he, she, or they may have, when so included, the same rights, privileges, and duties as though living within the bound-

aries as herein defined: *Provided, however,* That when the lands of any person or persons may be embraced within said district, the same shall not be withdrawn, except on the mutual agreement of the owner or owners and the board of trustees.

1873.

§ 27. This act shall take effect and be in force from and after its passage.

[Became a law without the Governor's signature, April 5, 1873.]

CHAPTER 663.

AN ACT to incorporate the Covington Mining and Manufacturing Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Henry Worthington, James B. Casey, Homer Hudson, Charles D. Foote, and Samuel F. Creighton, together with their successors, associates, and assigns, be, and they are hereby, created a body-corporate and politic, by the name and style of Covington Mining and Manufacturing Company; and by that name capable of contracting and being contracted with; to have and to hold to themselves, their successors and assigns, lands, rents, tenements, goods, chattels and effects, as they may desire in mining or manufacturing, or anything necessary or convenient in connection with any of said business, and for the erection of all mills, machinery, shops, or other thing for said purpose; they may build, or assist in building, any railroad or branch now incorporated, or that may be chartered, by obtaining the right of way by contract, or they may acquire such right of way as is prescribed by chapter 103 of the Revised Statutes. The company may sue and be sued, plead and be impleaded, defend and be defended, in all or any courts and places; have a common seal, and alter the same at pleasure; have and put into execution any and all such by-laws, ordinances, rules and regulations, as shall to them seem necessary or convenient for the government of said corporation, not being contrary to the Constitution and laws of this State and of the United States.

Corporators' names.

Name and style.

Corporate powers.

§ 2. The capital stock of said company shall be five hundred thousand dollars, divided into shares of one hundred dollars each; but said company may organize and commence operations when five hundred shares have been subscribed, and ten per cent. thereof paid. The stock shall be deemed personal property, and the company shall have a prior lien thereon for any indebtedness to said company, and may be transferred on the books of said company by consent or after it has been fully paid up.

Capital stock.

1873.

Additional powers.

§ 3. The said company may acquire by purchase, lease, or otherwise, any mineral coal oil, coal, or other lands, or mining or other privileges, and may purchase and erect all or any kind of machinery for the manufacture of lumber, iron, oil, or any mineral substance, or any article composed in part or all of said articles; they may receive any real or personal estate or property, or any mining, oil, or mineral privileges in payment of stock, at such prices as may be agreed upon by the parties thereto; and they shall have the right to purchase and hold any real or personal estate or property, mills, shops, rights of way, or other thing they may deem necessary for the prosecution of their business; and may sell, convey, lease, or otherwise dispose of all, or any part thereof, or any other interest they may have or possess, as they may desire.

May issue bonds.

§ 4. Said company shall have the right to issue their bonds, with coupons attached, to draw interest not exceeding ten per cent. per annum, payable annually or semi-annually, as may be agreed upon by the contracting parties; but at no time shall they have outstanding and unpaid a greater amount of bonds than two thirds of the value of their property.

When company may organize.

Officers—their powers, duties, and qualifications

§ 5. When not less than five hundred shares of stock has been subscribed as heretofore provided in section two, said company shall organize and elect not less than three nor more than nine directors. They shall also elect a president, secretary, and treasurer, and such other officers as they may by their by-laws provide for. All of the officers and directors shall be the owners of stock; each of the directors and officers herein named not less than ten shares. All officers may be required to execute bond with good surety for the faithful performance of their duties. The said directors and officers shall be elected annually, at such time as may be provided for in their by-laws, and shall serve until their successors are elected and qualified. Should the election from any cause not be held at the appointed time, it shall be the duty of the president, or in his absence, the secretary or treasurer, to call a meeting of the stockholders for such election. No election shall be held without first publishing the same in a paper published in the city of Covington of general circulation, or other paper of general circulation in said city, at least once a week for four successive weeks previous to said election; and it shall also be the duty of the secretary to notify each stockholder on their books, through the post-office, not less than thirty days previous to said election; and each stockholder shall have the right to cast one vote in person or by written proxy for each share of stock he or she may own; but no share of stock shall be transferred

so as to entitle the holder thereof to vote within thirty days of said election.

1873.

§ 6. This act shall take effect from and after its passage.

[Became a law without the Governor's signature, April 5, 1873.]

CHAPTER 664.

AN ACT to incorporate the Central Kentucky Coal and Mining Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That C. Crooke, W. H. Spradlin, J. R. Crooke, and Chas. J. Bronston, their associates, successors, and assigns, be, and are hereby, constituted a body-corporate and politic, by the name and style of the "Central Kentucky Coal and Mining Company;" and by that name and style shall have perpetual succession, with power to contract and be contracted with; to own property, both real and personal; and to sue and be sued; to have a common seal, and alter the same at pleasure; to engage in mining for coal, iron, and other minerals; in cutting and sawing lumber, and in preparing them for market, and transporting and selling the same; and to do other acts, and to have all other powers needful for the successful prosecution of their business, and for the execution of the powers herein granted.

Corporators' names.

Name and style.

Corporate powers.

§ 2. That said company shall have power to acquire and hold such real estate, by lease, fee-simple, or otherwise, as it may deem necessary or expedient for its business; it shall have power to locate, construct, and operate railroads, tramways, plank roads, or any or either, to and from any of the works or mines of said company, provided each road shall not exceed ten miles in length, to any railroad now existing, or which may hereafter be constructed; and may build bridges over the streams which their roads may cross; and may acquire the land, timber, rock, or any material requisite for said roads and bridges; and the right of way and use of lands and quarries, either by agreement with the several proprietors, or by having the same condemned to the use of said company; and in the condemnation thereof for any road or railroad, and in the location, construction, and operation of such roads or railroads, with all requisite appendages, said company shall have the powers which are provided in chapter eighty-four of the Revised Statutes, entitled "Roads and Passways." When such roads, railroads, or bridges shall be used by said company for travel or transportation of other parties or property, the

May acquire real estate and dispose of same.

May condemn lands for right of way.

1873. said company may charge and collect such rates of toll, and charges for transportation, as the board of directors may determine, not exceeding the rates permitted by law to be charged by other corporations specially chartered to furnish such facilities for travel or transportation; and said company may so use them in its discretion.

§ 3. Said company may dispose of its property, or any part thereof, by sale or otherwise; may erect all buildings, fixtures, and machinery necessary for the successful prosecution of its business; they may receive real estate, lease mining rights and rights of way, in payment of subscriptions, or such part thereof as they may deem advisable.

Capital stock. § 4. The capital stock of said company shall not exceed two hundred thousand dollars, to be divided into shares of one hundred dollars each, which shall be personal property, and evidenced and transferred as may be prescribed by the by-laws of said company.

Books of subscription of stock may be opened. § 5. Books may be opened for subscriptions of stock to the company, by any of the corporators; but no subscription to be entered on the books of the company, except at the instance of a majority of the corporators.

When company may organize. Directors—term of office and powers. § 6. When stock to the amount of five thousand dollars shall have been subscribed to the capital stock aforesaid, the corporators may call a meeting of the subscribers, at which meeting a president and four directors shall be elected to serve for one year, at the expiration of which time, due notice being given, and annually thereafter, there shall be called a meeting of the stockholders to elect their successors; and they shall severally hold their offices until their successors are elected. Said board of directors, when so elected, may collect the stock subscribed but not paid for prior to their election, and may prescribe the terms of subscription to be thereafter made, the time and manner of payment, and the time, manner, and grounds of forfeiture of stock subscribed but not paid for; and they may forfeit the stock of defaulting stockholders, twenty days' notice being first given, or collect the installments by suit, as they may elect; they may adopt such by-laws for the regulation and government of said company as they may deem expedient. When the sum of five thousand dollars shall be subscribed, and such portion thereof paid in cash, or otherwise, as the directors may require, the company shall be deemed fully organized, and may proceed with its business.

Board to control affairs. § 7. The board of directors shall have the general management of all business of said company, and may exercise any and all the powers hereby granted to the corporation; they may increase the capital stock of the company, from time to time, as they may deem expedient, either by new subscriptions, sales, or otherwise, to the ex-

tent of the limit named in section four of this act; they may, from time to time, pay dividends, in stock or in cash, from the profits of their business, and may distribute the net receipts and proceeds of sales among the stockholders, pro rata, or may retain them to be applied in extending the operations of the company; they may borrow or obtain by loan such sums of money, and on such terms as they may deem expedient, and may mortgage all or any of the property of the company to secure the payment of such indebtedness. Said board of directors shall have power to elect or appoint a secretary, treasurer, and such other officers and agents as they may deem expedient, and may fix their salaries, prescribe their duties, and the time of employment; and may require and take from any of them bonds, with security, for the faithful discharge of their respective duties; they shall prescribe, by by-laws, the number necessary to constitute a quorum for the transaction of business by said board; and they may fill any vacancies occurring in said board between the annual elections. At any meeting of the stockholders of said company for the election of directors, or for the transaction of any business of said company, each share of stock shall entitle the holder to one vote, and may be voted in person or by written proxy. No person shall be eligible as a director unless he shall, when elected, own at least five shares of stock fully paid up. All contracts in writing, signed by the president, in the name of the company, shall be binding upon the company.

1873.

May borrow money and secure same by mortgage.

May appoint officers and require bond, &c.

Qualifications of directors.

§ 7. This act shall take effect from and after its passage.

[Became a law without the Governor's signature, April 5, 1873.]

CHAPTER 665.

AN ACT to incorporate the town of Beaver Dam, in Ohio county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the town of Beaver Dam, in Ohio county, be, and the same is hereby, incorporated, with such boundaries, streets, and alleys, and such other public grounds, not exceeding three hundred acres, as are now laid out, and as may be laid out, by the trustees of said town; and the said trustees shall make and cause to be made a survey and plat of said town, which survey and plat shall be filed in the county clerk's office of Ohio county.

Town established and trustees to make plat and survey.

§ 2. That A. J. Austin, A. L. Chick, Owen Barber, William A. Austin, and Remas Carter shall be appointed trustees of said town, who shall hold their office until the

Trustees' names, term of office, and duties.

1873. first Saturday in March, 1874, or until their successors are elected and qualified. And said trustees and their successors in office shall be a body-politic and corporate, and known by the name and style of the trustees of the town of Beaver Dam; and by that name may be capable of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, of answering and being answered to, in all courts of this Commonwealth; and they may have and use a common seal, and shall have all the powers and privileges and be subject to the same duties and liabilities as is provided by general law.

ARTICLE II.

Trustees and their Powers.

Trustees—when to be elected, and term of office. § 1. The board of trustees of said town shall consist of five members, who shall be elected annually the first Saturday in March of each year, after the term of the above appointed trustees shall expire, and hold their office until the succeeding election, or until their successors are elected and qualified.

Trustees to elect officers. § 2. The said trustees at their first meeting, after being qualified, shall elect one of their number president, one secretary, and one treasurer; and said trustees shall hold stated meetings; and the president may call meetings either by verbal or written notice.

Duties of officers. § 3. It shall further be the duty of the president to preside at all meetings, etc., and the duty of the secretary to keep a correct record of all the business done by the board; and the duty of the treasurer to keep all moneys of the corporation, and pay the same out on order of the board; but said treasurer shall not enter upon his duties until he has executed to the board a good and sufficient bond with good security.

Trustees to levy taxes to improve streets, &c. § 4. That the trustees shall have power to levy a poll-tax on all male persons over twenty-one years old in said town, a sum not exceeding one dollar per head, and an ad valorem tax on all property in said town, not to exceed twenty-five cents per one hundred dollars' worth, for the purpose of improving the streets, sidewalks, alleys, etc., and defraying other expenses of the corporation. And all fines and forfeitures collected within said town, as hereinafter provided, shall be paid to the said trustees for the public good of said town.

Power over streets, &c. § 5. They shall have power to build, widen, raise, and in any way improve the streets, sidewalks, and alleys of the town; to establish streets and alleys not detrimental to private interest; to establish public grounds and ponds, and to establish public scales, and charge for the use of same.

§ 6. They shall have the right to tax all shows, exhibitions, and performances in said town such sums as they may deem expedient.

1873.

May tax shows, &c.

§ 7. They shall have the right to pass and enforce ordinances to suppress gambling, disorderly houses of ill-fame, and all immorality, indecency, misconduct, and to protect the quietude and safety of said town; and they shall have the right to pass all ordinances and by-laws for their own government and the good government of the town that they may deem necessary, and impose penalties for the violation of the same.

May suppress certain offenses.

§ 8: They may appoint surveyor of streets.

§ 9. They may recommend to the county court persons to keep coffee-house when the applicant has satisfied them that he is prepared to keep said house according to the law regulating the same; but said license not to carry with it the right to retail spirituous, vinous, or malt liquors, unless the trustees, together with the county court, shall deem it expedient so to do; and they may tax the keepers of said houses a sum not to exceed seventy-five dollars.

May recommend granting coffee-house licenses to certain persons.

§ 10. Said trustees shall tax all persons who simply vend ale, beer, or cider, a sum not to exceed ten dollars; and no person in said town shall be allowed to vend said articles until the tax is paid, and the privilege granted by the trustees.

May tax sellers of ale, beer, &c.

§ 11. All ordinances, by-laws, consents, and privileges must be granted at a regular or call meeting, and will not be valid unless indorsed by a majority of the board, and signed by the president and secretary.

§ 12. It shall require four trustees to constitute a quorum.

ARTICLE III.

Police Court.

§ 1. There shall be established in said town a court, to be styled the Beaver Dam Police Court, which shall be held by one judge, to be styled the Judge of the Police Court of Beaver Dam, to be elected at the same time and in the same manner as the trustees, except as hereinafter provided.

When police judge to be elected

§ 2. That the said court shall have exclusive original jurisdiction of all prosecutions for the violation of town ordinances and by-laws, and concurrent jurisdiction with magistrates of all civil, criminal, and penal cases in Ohio county; and shall have the power of two magistrates in examining trials.

Jurisdiction of police court.

§ 3. That the provisions of the Code of Practice of Kentucky shall govern the proceedings of said court in all cases (except town ordinance and by-law trials), and

Code to govern proceedings in said court.

1873. the Revised Statutes the penalties and punishments thereof.

Where appeals all lie. § 4. Appeals shall lie from this court to the Ohio quarterly court, where the amount in controversy is sixteen dollars or more, and may go directly to the Ohio circuit court where the amount is twenty dollars or more.

§ 5. Said court shall have a right to try all misdemeanors, unless the defendant shall demand a jury.

To be court of rec. rd. § 6. Said court shall be a court of record, and the judge shall be the clerk thereof, and may appoint and qualify a deputy clerk.

Powers of judge. § 7. The judge of said court shall be a conservator of the peace, and may order arrest for all offenses against the Commonwealth or town ordinances and by-laws; and for those committed within his presence may order arrest without warrant, the person to be dealt with according to law. If he think it necessary, he may detain any person so offending in custody the over night (or if such person or persons are drunk or disorderly, until they are sober) in the county jail or other safe place.

Terms of police court for civil cases. § 8. Said police judge shall hold four stated terms every year for the trial of civil causes, and such other pleas as may come before him; and at the beginning of each year he shall give a written notice to the trustees and marshal of the town, and put one on the door of his office, of the time of the four terms of the pending year.

Fees. § 9. The fees of said judge shall be the same as justice of the peace.

Town marshal to be elected, and his fees. § 10. At the same time, and in like manner as the police judge is elected, there shall be a town marshal elected, to be styled the Marshal of the Town of Beaver Dam; and said marshal shall have concurrent jurisdiction with the constables of Ohio county, and be entitled to the same fees.

Powers of marshal. § 11. Said marshal shall be the chief of police of said town; and may arrest and bring to trial any guilty or suspicious persons of crime, suppress riots and other disorderly conduct, and report violations to the police court. He shall have exclusive original jurisdiction of all writs issued by the police court of said town for violations of local laws. He shall be the collector of the town tax, and execute bond to account for the same, in the same manner as the treasurer, and may levy on property for taxes.

Miscellaneous Provisions.

Qualifications of officers. § 1. The police judge shall be qualified in like manner to justices of the peace, and the marshal same as constables. The trustees shall be qualified before the police judge of said town.

§ 2. The police judge and town marshal shall hold their office for the term of two years, and the trustees for one year.

1873.

Term of office of judge and marshal.

§ 3. The trustees of the town shall certify to the county court the election or appointment of the police judge or marshal.

§ 4. If a vacancy should occur in the office of judge or marshal, the trustees shall appoint one to fill the vacancy until the next regular election, when they shall order an election.

How vacancies to be filled.

§ 5. The resignation of all town officers shall be made to the trustees.

§ 6. The trustees shall, ten days before each election, post written notices in at least five public places in said town of the day of election, and the officers to be elected.

Notice of elections to be given.

§ 7. No person shall vote at the town elections unless they are male citizens of the town, and have been such citizens for thirty days before the election, and arrived at the age of twenty-one years.

Qualifications of voters.

§ 8. Voting shall be done by printed ballot deposited in a box prepared by the trustees.

Voting to be by ballot.

§ 9. The trustees shall appoint two judges of the election and one clerk: the judges to decide on the qualifications of voters, and the clerk to keep a true list of all persons voting. They shall hold the election at such place as the trustees may order. All elections to be between the hours of eight and four o'clock. The officers of election shall return the list and ballot-box to the trustees, signed and sealed, and the trustees shall compare them in open meeting, within three days after the election.

Trustees to appoint officers of election, and their duties.

§ 10. The trustees may require all male citizens of said town between the ages of fourteen and twenty-one, to work on the streets, alleys, sidewalks, or public grounds at least four days in each year. Such persons may be exempt upon paying to the trustees the sum of seventy-five cents per day; and if they fail to work when warned to do so, shall be fined the said sum with the cost of proceeding, to be made out of their legal representative.

Male citizens to work streets.

§ 11. The trustees may allow any citizen to work on the streets, &c., to the amount of his tax, at the rates of seventy-five cents per day.

§ 12. It shall be legal for the street surveyor, marshal, or secretary of trustees, to warn hands to work the streets; but three days' notice shall be required.

Who shall warn hands to work streets.

§ 13. All warrants for the violations of town by-laws or ordinances shall be issued by the police judge of the town, upon the statement of the president or secretary of trustees, unless they occurred in the presence of said

Who shall issue warrants.

1873. judge or town marshal, then he may issue without such statement.

Citizens exempted from work on roads.

§ 14. The citizens of said town are exempt from working on all public roads of this Commonwealth.

§ 15. The trustees shall post all the ordinances they pass in at least five public places in said town, naming the penalty for the violation of the same.

How vacancies in board to be filled.

§ 16. When a vacancy occurs in the board of trustees, they shall appoint some citizen over the age of twenty-one of said town to fill the vacancy until [the] next regular election.

§ 17. That Ed. Cooper be appointed police judge, and William Blankenship be appointed town marshal, until the first regular election of said town.

§ 18. This act shall take effect thirty days after its passage.

[Became a law without the Governor's signature, April 5, 1873.]

CHAPTER 666.

AN ACT to abolish the quarterly court in Ballard county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Quarterly court abolished.

§ 1. That all laws providing for and regulating proceedings in the quarterly courts of this Commonwealth, so far as they may apply to such court in and for the county of Ballard, be, and the same are hereby, repealed.

Records of said court to be delivered to county clerk.

§ 2. That it shall be the duty of the county judge of Ballard county, within three months from and after this act takes effect, to deliver to the clerk of the county court all books, papers, records, and every thing else that legally pertains to and constitute a portion of the office of the quarterly court, and take his receipt therefor.

Powers of clerk over records, &c.

§ 3. That from and after the date of his receipt, as provided for in the last section, the clerk of the county court of Ballard county shall be the legal custodian of all books, papers, and other things mentioned and enumerated therein, who shall be responsible on his official bond for all damages resulting from failure to discharge his duty as such. It shall be his duty to issue any execution to which the party applying may be entitled, upon any judgment or order of the quarterly court shown by the records filed with him; and such execution, signed by said clerk officially, shall be valid to all intents and purposes.

Clerk to make transcript of records, &c.

§ 4. It shall be the duty of said clerk to make out transcripts, records, copies of orders, executions, or of any paper filed with him as provided for in this act; and such transcript or copy, attested by him as clerk, shall be en-

titled to the same verity in all the courts of this Commonwealth as if signed and attested by the county judge.

1873.

§ 5. It shall be the duty of the said clerk to proceed at once to distribute the warrants, pleadings, and papers of any undetermined action pending before the quarterly court when the papers are delivered to him; those of which the jurisdiction belongs to justices of the peace to that justice whose office is kept in the civil district in which the defendant resides; and those in which the proceeding is against parties not resident in Ballard county to some justice whose office is kept in the civil district embracing the county seat; and those in which the amount involved is above the jurisdiction of a justice of the peace, the clerk of the county court shall deliver to the clerk of the circuit court, to be by him docketed among the cases pending and for trial in the court of common pleas for Ballard county.

Clerk to distribute papers to various authorities.

§ 6. In all cases thus distributed, either to a justice of the peace or the circuit clerk, like proceedings shall be had in all respects as though the action had been originally commenced in such court, and with like rights and obligations attaching to any order or judgment thereafter rendered.

Like proceedings to be had by parties to whom papers are delivered as in quarterly court.

§ 7. The appellate jurisdiction conferred by existing laws upon the quarterly court is hereby given and conferred upon the court of common pleas and circuit court of Ballard county.

Upon whom appellate jurisdiction conferred.

§ 8. The same fees allowed by law to the county judge for matters pertaining to his duty as judge of the quarterly court shall be allowed to and received by the officer who may render the same services as provided for under this act.

Fees.

§ 9. This act to take effect on the first day of May, 1873.

[Became a law without the Governor's signature, April 4, 1873.]

CHAPTER 667.

AN ACT to incorporate the town of Hanson, in Hopkins county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of the county of Hopkins as is contained within the following boundary be, and is hereby, established as the town of Hanson, and the inhabitants thereof are incorporated as a body-politic: beginning at the south end of east railroad street, thence east one thousand feet to the southeast corner of block number three; thence north eleven hundred feet to northeast corner of block number nine; thence west twenty-three hun-

Town established

Boundary.

1873. dred feet to northwest corner of block number twelve; thence south fifteen hundred feet to the southwest corner of block number nineteen; thence northeast fifteen hundred feet to the beginning. The corporate name of said town shall be the town of Hanson, and by that name the said town may sue and be sued, may plead and be impleaded, in any of the courts of this Commonwealth.

Trustees' names
and their term of
office.

§ 2. That W. H. Weir, W. Q. Pritchett, Loudon Fowler, S. P. Hardy, and J. L. Waller, are hereby appointed trustees of said town, to hold their appointment until the first Saturday in April, 1873, at which time, and annually thereafter, there shall be an election by the qualified voters of said town who have been residents of said town sixty days next preceding said election, for five trustees of said town for six months, and who shall serve twelve months, and until their successors are elected and qualified. The said trustees, before they enter upon the discharge of their duties, shall take an oath faithfully to perform the same

When police
judge and mar-
shal to be elected,
and term of office.

§ 3. At the said election on the first Saturday in April, 1873, and on that day every two years thereafter, the said qualified voters of said town shall elect a police judge and town marshal, who shall hold their respective offices for two years, and until their successors are duly elected and qualified. The officers holding said election for police judge shall certify the returns thereof to the Governor of Kentucky, who shall issue a commission for the person so elected police judge.

Trustees to gov-
ern affairs—their
powers and duties

§ 4. The fiscal, prudential, and municipal affairs of said town, with the government and control thereof, shall be vested in said board of trustees, a majority of whom shall constitute a quorum for the transaction of business. They shall have power to pass all needful laws and ordinances for the good government of said town, for the improvement thereof, and for the preservation of the public health, not inconsistent with the constitution of the United States and the constitution and laws of this State. They shall have power to levy and collect annually a poll-tax from each adult male inhabitant of said town not exceeding one dollar and fifty cents upon each head, and may levy and collect annually an ad valorem tax of not exceeding fifty cents upon each one hundred dollars of all the real and personal estate in said town subject to taxation by the laws of this State. The money arising from taxation in said town shall be appropriated by said trustees for the expenses of the government of the said town, and for the improvement of the streets and alleys of the town, and such other objects of public utility as they may deem proper for the benefit of said town.

§ 5. The trustees shall appoint annually a clerk, assessor, and treasurer, each of whom, before he enters upon the duties of his office, shall take an oath faithfully to perform the duties of the same. The clerk shall keep a fair record of all the proceedings of the board of trustees, and in a separate book a record of all ordinances which may be enacted by the board. The assessor, within one month after his appointment, shall call upon all the owners of taxable property in said town, and make and return a fair list of their property and estates subject to taxation, real and personal, with the value thereof; and also a fair list of all males over twenty-one years of age subject to the payment of a poll-tax. The treasurer shall receive all moneys belonging to the town, and pay the same out upon the order of the board of trustees; he shall give bond, with security, to be approved by the trustees, conditioned for the faithful discharge of all his duties under this act, and the laws and ordinances which may be passed by said trustees, and that he will faithfully account for all, and pay over all moneys which may come to his hands by virtue of his office.

1873.

Trustees to appoint officers, and their duties.

§ 6. The jurisdiction of the police judge of said town, within the limits thereof, shall be concurrent with that of a justice of the peace, and he shall be entitled to the same fees for similar services; his jurisdiction in criminal and penal cases shall be the same as defined by the Criminal Code of Practice. The fines and forfeitures for violations of the ordinances and by-laws of said town shall be paid into its treasury. When a vacancy occurs in the office of police judge or marshal, the board of trustees may make an appointment of some suitable person to fill said office for the balance of the term, and in the case of the police judge, shall certify the appointment to the Governor, that he may commission the appointee.

Jurisdiction and powers of police judge.

§ 7. The town marshal, upon entering upon his duties, shall execute to the board of trustees a bond or covenant for the faithful discharge of his duties, with good and sufficient security, conditioned that he will well and truly perform all the duties imposed upon him by this act, the ordinances of the town, and the laws of this Commonwealth, and that he will faithfully pay over to the treasurer all money that may come to his hands belonging to the town, and faithfully account for the same, and pay over to all other parties all money which may come to his hands for them by virtue of his office as marshal. All parties interested may bring suit upon said bond against the marshal and his sureties for the defendants of said marshal in the discharge of any of his duties, and have judgment thereon; he shall collect and pay over to the treasurer of said town all taxes and fines, dues or de-

Vacancies—how filled.

Marshal to execute bond.

Duties of marshal.

1873. mands, which may be placed in his hands for collection, as soon as collected ; and he shall be allowed for his collections for the town such reasonable commissions and fees as the board of trustees may provide, and for his other services shall receive such fees as are allowed constables by the laws of the State in like cases. He may execute process in civil, criminal, or penal cases within the limits of the town.

Fees of marshal.

§ 8. The trustees of said town shall have power to impose a tax on vendors of spirituous, vinous, or malt liquors for the privilege of retailing within the limits of said town, not exceeding one hundred dollars each per annum ; but the county court of Hopkins county shall have no power to grant a license to any one to retail spirituous, vinous, or malt liquors within the limits of said town, unless the applicant shall first present to the said county court the consent of the board of trustees of said town, given at some regular meeting of the board, and officially certified in writing by the president of said board and its clerk to the said county court.

Trustees may tax liquor sellers.

§ 9. Streets and alleys may be opened by the board of trustees in any part of said town with the consent of the owners of the land ; and said trustees may improve any of the streets or alleys of said town by grading, paving, macadamizing, making plank walks, or otherwise, as may be deemed best.

Powers of trustees over streets.

§ 10. This act shall take effect from its passage.

Approved March 31, 1873.

CHAPTER 669.

AN ACT to amend the charter of the Winchester Cemetery Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Winchester Cemetery Company is hereby authorized and empowered to assess and collect a tax, not exceeding five dollars each year, on each owner of a lot in said cemetery grounds, for the purpose of keeping said cemetery in good repair and condition, and for such improvements as said company may desire to make ; and shall have full and complete power to enforce the collection of same by warrant in the police court of Winchester against any parties living in Clark county, and in any court of similar jurisdiction in any other county.

§ 2. This act shall be in force from its passage.

Approved April 3, 1873.

CHAPTER 670.

1873.

AN ACT to amend an act, entitled "An act to amend the charter of the Big Sandy Valley Railroad Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act to amend the charter of the Big Sandy Valley Railroad Company," approved 27th March, 1873, be so amended as that the name of said company, of which James H. Laws, Hugh Colville, and others, whose names are mentioned in said act as corporators, shall be, and the same is hereby, changed to that of the Big Sandy Valley Railway Company, instead of the Big Sandy Valley Railroad Company, as now provided by said act of 27th March, 1873.

§ 2. That section 12 of the act approved 27th March, 1873, be amended by striking out the words "ninety days," and inserting in lieu thereof the words "five months."

§ 3. This act shall take effect from its passage.

Approved April 3, 1873.

CHAPTER 671.

AN ACT to authorize the appointment of an additional examiner to take depositions in and for Floyd county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the judge of the Floyd circuit court is hereby authorized to appoint an additional examiner of depositions, in and for said county.

§ 2. That this act shall be in force from and after its passage.

Approved April 3, 1873.

CHAPTER 672.

AN ACT to further amend the charter of the Christian County Bank.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the further time of one year be allowed the Christian County Bank to organize and go into operation ; and if organized within that time, they shall have all the corporate powers and franchises granted by the act incorporating said bank, approved March 2d, 1872.

§ 2. This act to take effect from its passage.

Approved April 3, 1873.

1873.

CHAPTER 673.

AN ACT to amend an act incorporating the Concord and Tollsboro Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

County court may issue bonds to aid road.

§ 1. That said company may issue the bonds of said company to an amount not exceeding two thousand dollars per mile of said road, and the taxes authorized to be collected are pledged for the redemption of said bonds.

When toll-gate may be erected.

§ 2. The said company may erect a toll-gate on their road near Tollsboro, and collect tolls as soon as they make a suitable and safe crossing across Cabin creek where their road crosses said creek.

Court may subscribe for stock in road for certain purposes.

§ 3. The Lewis county court may subscribe one thousand dollars stock in said company, to be used in building a bridge across Cabin creek where said road crosses said creek; and this thousand dollars shall be in addition to the stock of Lewis county in said road.

Rate of tolls in certain cases.

§ 4. The president and directors of said company shall have the right to charge persons hauling logs on said road with four horses or mules, or two yoke of oxen or more, extra toll, not exceeding double of the toll now charged; and all persons hauling on said road, and willfully injuring the same, shall be liable to all injury that they may do to said road, to be recovered by said company in any court having jurisdiction. The said company shall have the right to appoint an assessor to assess the property liable to taxation on said road, and allow said assessor not exceeding ten cents for each list made; said assessor shall be governed by the law in reference to county assessors, and shall make out and return his book to the Lewis county court on or before May first in each year.

Company to appoint assessor & fix compensation.

§ 5. This act shall take effect from its passage.

Approved April 3, 1873.

CHAPTER 674.

AN ACT for the benefit of the Iron Works Turnpike Road Company.

WHEREAS, The Fayette county court has created a turnpike company by the name of the Iron Works Turnpike Road Company; and whereas, said company has become indebted in a very large amount, and is unable to pay its indebtedness without a sale of its road-bed, franchises, &c.; for the remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Creditors may subject road for debts.

§ 1. That any creditor or stockholder may, by petition filed in the Fayette circuit court, subject the road-bed,

franchises, and chartered privileges of the Iron Works Turnpike Road Company to sale for the payment of all its debts: *Provided, however,* That the road-board, franchises, &c., of said company, shall not be sold, if the other property of the company is sufficient for the payment of its debts. 1873.

§ 2. Notice to the stockholders of the object of the action shall be published for one month before judgment in some newspaper of general circulation in Fayette county; and any stockholder desiring to do so may appear, and make himself a party and defend the action. Notice to be given stockholders.

§ 3. This act shall take effect from and after its passage.

Approved April 3, 1873.

CHAPTER 675.

AN ACT for the benefit of school district No. 62, in Shelby county.

WHEREAS, The common school commissioner of Shelby county has drawn forty per cent. of the school money due school district No. 62, in said county, and refuses to pay over to the trustees of said district the money, on account of informality; and whereas, it has been proven that the school has been taught thus far by competent and efficient teachers, and will be concluded according to law; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the school commissioner of Shelby county is hereby authorized to draw the remaining sixty per cent. due said district at the proper time; and he is hereby authorized and directed to pay over to Mrs. J. J. Keeney one hundred and twenty-five dollars, and the remainder to the trustees of said district, to be paid to the present teachers in said district for the benefit of the indigent children in said district.

§ 2. This act to take effect from its passage.

Approved April 3, 1873.

CHAPTER 676.

AN ACT to amend the original and amended act incorporating the town of Earlington.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The corporate limits of said town shall extend to and embrace the following boundary: beginning at a

1873. planted stone on the center line of Main street, fourteen hundred and twenty feet from the center line of the Evansville, Henderson and Nashville Railroad; running thence south forty-six and one fourth degrees east, eighteen hundred and seventy feet to a planted stone; thence south forty-three and three fourths degrees west, three thousand two hundred and eighty feet to a planted stone; thence north sixty-four and one fourth degrees, north three thousand seven hundred and forty feet to a planted stone; thence north forty-three and three fourths degrees, east three thousand two hundred and eighty feet to a planted stone; thence south forty-six and one fourth degrees, east eighteen hundred and seventy feet to the beginning.

§ 2. This act shall take effect from its passage.

Approved April 3, 1873.

CHAPTER 677.

AN ACT to enable the court of claims of Henry county to pay county indebtedness.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

County court to
levy tax to pay
debts.

§ 1. That it shall be lawful for the court of claims of Henry county to appropriate the proceeds of the poor-house farm of said county to the payment of the present indebtedness of said county, and also levy an ad valorem tax of not exceeding fifteen cents on the hundred dollars, on all the property in said county assessed for taxation for State revenue in the year 1873, which tax shall be collected and be accounted for by the sheriff in the same manner that the county levy is now collected and accounted for.

§ 2. This act to take effect from and after its passage.

Approved April 3, 1873.

CHAPTER 678.

AN ACT to provide for organizing and establishing a system of public schools in Winchester.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Certain terri-
tory erected into
school district.

§ 1. That all the territory now embraced within the limits of the town of Winchester, or which may hereafter be embraced in said town, shall be, and is hereby, incorporated as a school district, which shall be under the control and management of a board of trustees elected as hereinafter directed.

§ 2. The persons so elected shall constitute and be styled the Board of Trustees of Winchester Public Schools; and by that name shall be known as a body-corporate and politic; and may sue and be sued, contract and be contracted with; buy, sell, and convey real and personal estate; and the title to all school property in said district shall vest in said board and their successors forever.

1873.

Name and style of corporation.

§ 3. The number of said board of trustees shall be five, and they shall have the same qualifications as are now required by law of trustees of the town of Winchester; and they shall act without compensation.

Number and qualifications of trustees.

§ 4. The said trustees, so elected, shall take an oath to faithfully discharge their duties; and shall meet within one month after their election, and organize by selecting a president, who shall be one of their number; they shall also elect a clerk and treasurer, the latter of whom shall give a good and sufficient bond to the Commonwealth of Kentucky, conditioned for the faithful performance of all his duties, and to be approved by the county judge of Clark county. The duties of said officers shall be such as are prescribed by said board.

Trustees to take oath, and their duties.

§ 5. Said trustees, and also their president, cashier, and treasurer, shall hold their offices until their successors are duly elected and qualified; and all vacancies in said board shall be filled by the remaining members.

Terms of office of officers.

§ 6. The control and management of the public schools of the town of Winchester, and the property and funds belonging thereto, and which may accrue in any way to them, or for their establishment, management, or maintenance under this act, or otherwise, shall be vested in the said board of trustees and their successors in office; and they shall have exclusive control of the pro rata of said district from the common school fund; and they shall report to the commissioner of common schools for Clark county, as other school trustees are now required to do, and shall, once in each year, publish a statement of their receipts and expenditures in the county paper.

Trustees to control funds.

§ 7. The said board shall have power to make all by-laws and rules for the government of themselves and appointees, and for the dispatch of business, and for the management, control, and government of the public schools in said town, their teachers and pupils.

Board to make rules, &c., to govern schools.

§ 8. A majority of the members of said board shall constitute a quorum to transact business; they shall meet on the first Monday in each month, and at such other times as they may prescribe, by order of the board, or when called together by the president.

Quorum.

Meetings.

§ 9. Said board shall keep, or cause to be kept, a well-bound journal of their proceedings, which shall at all

Board to keep record.

1873. times be open to the inspection of any citizen of Winchester.

Board to appoint
officers of schools,
fix salaries, &c.

§ 10. Said board of trustees shall appoint all teachers and other persons necessary to carry on said schools, and prescribe all rules for their government, and fix their compensation or salaries; and may dismiss or suspend any teacher employed by them; prescribe the branches of education to be taught in said schools, grade the schools and classes, and prescribe the necessary qualifications for teachers and pupils in said schools, and shall provide class-books for children whose parents are not able to purchase them.

Qualifications
of scholars.

§ 11. All white children over six years of age within said town shall have equal right of admission to the schools established for white children under this act, and all children of color to schools for colored children so established; and no fees or charges for their tuition shall ever be charged in any of the schools. Said board may establish rates and terms on which children residing out of the limits of said town shall be admitted to said schools.

Board of trustees
of town to submit
question of
school tax to people.

§ 12. The board of trustees of the town of Winchester shall submit to the voters of said town a proposition to levy a tax not exceeding one dollar on the one hundred dollars of taxable property within said town subject to taxation for revenue purposes, for the benefit of common schools in said district, and for the purpose of paying off the bonds hereinafter provided for.

When and how
elections to be
held.

§ 13. The votes upon said proposition shall be polled as is now done in the case of municipal elections in said town, and shall be held in the month of April, 1873, upon some day to be fixed by said board of trustees. If said election should not be held in said month, it may be held at such time as may be prescribed by said town trustees.

Notice to be
given.

Ten days' notice of said voting shall be first given by the chairman of said board, by written or printed posters, posted in three or more public places in said district. At said election there shall be two voting places and two separate sets of officers, one for white voters and the other for negro voters. If a majority of the white votes cast are in favor of said proposition, then the tax shall be levied on whites alone in said district, and the schools for white children shall be established. If a majority of the colored votes cast at said election shall be in favor of the proposition, then the tax shall be levied on negroes, and the proceeds appropriated to colored schools only, as herein provided. Voters at said election shall possess the qualifications of voters at elections of town trustees of said town. At said poll, the clerk shall record the vote as "For the tax" or "Against the tax," as the case may be; and the poll shall be certified and examined and the

Duties of officers
of election.

1873.

result announced, as provided in case of municipal elections in said town. If said proposition fails to receive a majority of the votes cast at said election, it may be again submitted, from time to time, at the discretion of the board of trustees of said town, until adopted. That nothing in this act shall be so construed as to allow white and colored children to attend the same school.

§ 14. If the result of the election be in favor of the tax, then the board of trustees of said town are hereby authorized and empowered to levy a tax, not exceeding the rate hereinbefore specified, upon the property in said district; and also a poll-tax, not exceeding two dollars, on each male resident of said town over the age of eighteen years, which tax shall be assessed and collected as the taxes of said town are now collected; and the officers of said town are hereby empowered to make such assessment and collection. The town trustees may prescribe the time when said assessment may be made, and when said collection shall be completed. The town assessor shall make separate lists of whites and negroes for taxation as herein provided for, and all moneys collected under the same shall be kept separate and distinct. The treasurer of said school board shall keep an account of the moneys received "For White School Fund," and an account of all received "For Negro School Fund." The proceeds of the bonds herein authorized shall only be used in the building and furnishing of houses and grounds for white children.

If people ratify proposition, tax shall be levied.

Tax lists to be made separately for white and colored.

Separate accounts to be kept of white and colored school funds.

§ 15. At the same time, and in the same manner, that the election is held for a vote on the proposition hereinbefore mentioned, after similar notice, a vote shall be taken for the purpose of electing the Board of Trustees of Winchester Public Schools, who shall continue in office until the next regular election of town officers of said town, and until their successors are duly elected and qualified; and at each regular election of officers for said town thereafter, there shall be elected said board of trustees of Winchester public schools by all persons who are now qualified voters for trustees of common schools in this State.

When trustees of schools to be elected and their term of office.

§ 16. The town trustees of Winchester, through their chairman, and the county court of Clark county, through its presiding judge, a majority of the magistrates concurring therein, shall have power and authority to convey to said trustees of Winchester public schools all the right, title, and interest of said town and county in the house and lot in said town known as the old seminary, and now used for common school purposes. All property held by said trustees shall be forever exempt from taxation, execution, or distress, and shall not be diverted from school purposes

Trustees of town and county court to transfer title to old seminary property to school trustees.

Property so held exempted from taxation.

1873. unless it be exchanged for other property, to be used for the same purposes.

Trustees of town to furnish funds to build school-houses and furnish same.

For said purpose may issue bonds.

§ 17. If a majority of the votes cast as herein provided shall be in favor of the proposition for a tax, then the trustees of the town of Winchester shall provide the funds to said trustees of Winchester public schools for building school-houses and furnishing the same, and purchasing suitable grounds; and to this end it shall be the duty of the board of trustees of said town, and they are hereby authorized and empowered, to issue the bonds of said town to such amount as may be necessary to provide suitable grounds and school-houses, and to furnish the same, not to exceed, however, ten thousand dollars; the said bonds may be of any denomination not exceeding one thousand [dollars] each, running not longer than twenty years, and bearing interest at any rate not exceeding ten per cent. per annum, payable semi-annually. The said bonds shall be made payable to bearer, shall be signed by the chairman of the board of trustees of said town and attested by the clerk thereof, and shall pass by delivery, and shall be sold or discounted by such person as said board may authorize, and the proceeds paid over to the treasurer of the board of trustees of Winchester public schools, to be used by said board for the purpose of providing and furnishing grounds and houses only, as aforesaid.

Trustees of town to create sinking fund to pay bonds

Negotiator of bonds to give security.

§ 18. The board of trustees of said town shall set apart so much of the tax hereinbefore provided for as they may deem proper for the purpose of paying the interest on said bonds and providing a sinking fund for their final payment and liquidation, which sinking fund may be used in purchasing said bonds whenever they can be bought upon maturity, or may be invested in such manner as may be prescribed by said board of town trustees: *Provided*, That no loan of the same shall be made except on good security, and that all persons who are authorized to sell or discount said bonds shall give bond, conditioned and approved as provided in case of treasurer of said board of Winchester public schools. Said bonds and interest shall only be paid out of the tax levied on whites, as provided in this act.

Approved April 4, 1873.

CHAPTER 679.

AN ACT for the benefit of R. L. Ewell, clerk of the Laurel county court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That R. L. Ewell, clerk of the Laurel county court, be, and he is hereby, authorized and empowered to qual-

ify and act as the executor of the last will and testament of Frances Jones and Robert Smith, of the county of Laurel, who, by their last wills, nominated said Ewell as their executor. The acceptance of said office of executor shall not operate as a forfeiture of his office of clerk of the county court of Laurel county.

1873.

§ 2. This act shall be in force from and after its passage.

Approved April 4, 1873.

CHAPTER 680.

AN ACT to incorporate the Union Agricultural and Mechanical Association near Fort Jefferson, in Ballard county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Joseph C. Depoyster, Andy Bodkin, Thomas H. Richardson, Samuel H. Jenkins, and A. S. Taylor, be, and they, or a majority of them, are hereby appointed commissioners to receive subscriptions of stock, at such places and upon such terms as they may deem fit and proper, to the capital stock of the company hereby incorporated.

Corporators' names.

§ 2. That as soon as twenty-five shares are subscribed, said commissioners, or a majority of them, are authorized to call a meeting of the stockholders for the election of a president, vice president, and five directors, and such other officers as may be necessary; and that in the election of officers, and in all other elections, such stockholders shall be entitled to one vote for every share of stock subscribed, and a majority of such votes shall control all elections.

When company may organize.

§ 3. That the capital of said company shall not be less than one or more than twenty-five thousand dollars, in shares of twenty-five dollars each; and as soon as twenty-five shares are subscribed, then such stockholders, and such as may thereafter become stockholders, are hereby incorporated, by the name of the Union Agricultural and Mechanical Association, with perpetual succession; and by that name shall have power to sue and be sued, to contract and be contracted with; to have and use a common seal; to make such a constitution, by-laws and regulations, not inconsistent with the laws and Constitution of this Commonwealth, as may be necessary to carry out the objects of this incorporation.

Capital stock.

Name and style.

§ 4. That the company hereby incorporated may own any quantity of real estate, in or near Fort Jefferson, not exceeding one hundred acres; may erect such buildings and improvements thereon as may be necessary and suitable for a stock, agricultural, or mechanical fair, and such

Corporate powers.

1873. other purposes as may be desired, legitimately belonging to such association; and power is hereby given to said company to hold such fairs, and award premiums, or they may allow the use of their grounds and improvements to such like associations, on such terms as they may deem right and proper, and upon such terms as may be agreed upon by the contracting parties.

§ 5. That the annual profits of said association, after the payment of the necessary expenses, shall be divided among the stockholders thereof according to the amount of stock subscribed and paid in by each one.

§ 6. This act to take effect from its passage.

Approved April 4, 1873.

CHAPTER 691.

AN ACT for the benefit of the Minerva and Beasley's Creek Turnpike Road Company, in Mason county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter all persons required by law to work roads in this Commonwealth, residing in the road district, in Mason county, through which the Minerva and Beasley's Creek Turnpike Road runs, who were or could be required to work on the old dirt road, which has been discontinued by the building of said turnpike, are required to work out their road tax upon said turnpike road, under the direction of the president or superintendent of said road company, when notified as now required by law.

§ 2. This act shall take effect from its passage.

Approved April 4, 1873.

CHAPTER 682.

AN ACT for the benefit of common school district No. 42, in Allen county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustees of common school district number 42, in Allen county, be, and they are hereby, authorized to report to the common school commissioner of Allen county the three months' school taught in said district, and when reported by said school commissioner to the Superintendent of Public Instruction, he shall draw his warrant upon the Auditor of Public Accounts for the full

amount due said district as if a five months' school had been taught in said district and reported. 1873.

§ 2. This act to take effect from its passage.

Approved April 4, 1873.

CHAPTER 683.

AN ACT to amend an act, entitled "An act to incorporate the Fulton County Agricultural Society," approved January 18, 1867.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the property owned by the Fulton County Agricultural Society, and used by them for the purposes of exhibiting agricultural and mechanical products, be, and the same is hereby, exempted from all State and county tax, so long as it is so used.

§ 2. That this act take effect and be in force from its passage.

Approved April 4, 1873.

CHAPTER 684.

AN ACT to prohibit the sale of spirituous, vinous, or malt liquors, within two miles of Mercer's Station, in Muhlenburg county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any person to sell spirituous, vinous, or malt liquors, in any quantity, within two miles of Mercer's Station, in Muhlenburg county. Made unlawful to sell liquors in said district.

§ 2. Any person guilty of a violation of this act shall be subject to indictment by the grand jury of Muhlenburg county, and upon conviction, shall be fined in any sum not less than ten nor more than one hundred dollars, in the discretion of a jury. Penalty.

§ 3. This act shall take effect from and after its passage.

Approved April 4, 1873.

CHAPTER 685.

AN ACT to change the name of the Trayser Piano-forte Company, of Maysville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the name of the "Trayser Piano-forte Company, of Maysville," be, and the same is hereby, changed

1873. other purposes as may be desired, legitimately belonging to such association; and power is hereby given to said company to hold such fairs, and award premiums, or they may allow the use of their grounds and improvements to such like associations, on such terms as they may deem right and proper, and upon such terms as may be agreed upon by the contracting parties.

§ 5. That the annual profits of said association, after the payment of the necessary expenses, shall be divided among the stockholders thereof according to the amount of stock subscribed and paid in by each one.

§ 6. This act to take effect from its passage.

Approved April 4, 1873.

CHAPTER 681.

AN ACT for the benefit of the Minerva and Bensley's Creek Turnpike Road Company, in Mason county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter all persons required by law to work roads in this Commonwealth, residing in the road district, in Mason county, through which the Minerva and Bensley's Creek Turnpike Road runs, who were or could be required to work on the old dirt road, which has been discontinued by the building of said turnpike, are required to work out their road tax upon said turnpike road, under the direction of the president or superintendent of said road company, when notified as now required by law.

§ 2. This act shall take effect from its passage.

Approved April 4, 1873.

CHAPTER 682.

AN ACT for the benefit of common school district No. 42, in Allen county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustees of common school district number 42, in Allen county, be, and they are hereby, authorized to report to the common school commissioner of Allen county the three months' school taught in said district, and when reported by said school commissioner to the Superintendent of Public Instruction, he shall draw his warrant upon the Auditor of Public Accounts for the full

amount due said district as if a five months' school had been taught in said district and reported. 1873.

§ 2. This act to take effect from its passage.

Approved April 4, 1873.

CHAPTER 683.

AN ACT to amend an act, entitled "An act to incorporate the Fulton County Agricultural Society," approved January 18, 1867.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the property owned by the Fulton County Agricultural Society, and used by them for the purposes of exhibiting agricultural and mechanical products, be, and the same is hereby, exempted from all State and county tax, so long as it is so used.

§ 2. That this act take effect and be in force from its passage.

Approved April 4, 1873.

CHAPTER 684.

AN ACT to prohibit the sale of spirituous, vinous, or malt liquors, within two miles of Mercer's Station, in Muhlenburg county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any person to sell spirituous, vinous, or malt liquors, in any quantity, within two miles of Mercer's Station, in Muhlenburg county.

Made unlawful to sell liquors in said district.

§ 2. Any person guilty of a violation of this act shall be subject to indictment by the grand jury of Muhlenburg county, and upon conviction, shall be fined in any sum not less than ten nor more than one hundred dollars, in the discretion of a jury.

Penalty.

§ 3. This act shall take effect from and after its passage.

Approved April 4, 1873.

CHAPTER 685.

AN ACT to change the name of the Trayser Piano-forte Company, of Maysville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the name of the "Trayser Piano-forte Company, of Maysville," be, and the same is hereby, changed

1873. to that of the "Ohio Valley Piano-forte Company, of Maysville."

§ 2. This act to be in force from its passage.

Approved April 4, 1873.

CHAPTER 686.

AN ACT for the relief of the sheriff of Trigg county.

WHEREAS, R. W. Major, the present sheriff of Trigg county, has recently suffered a loss of about (\$3,000) [three] thousand dollars, in cash deposit, by the failure of the banking-house of Bacon & Co., of Cadiz, in said county; and that said money was intended by said sheriff to be used in paying the State revenue due from said county; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That R. W. Major, the present sheriff of Trigg county, be, and he is hereby, allowed until the 4th day of June, 1873, to pay into the Treasury the balance of the revenue of said county for the year 1872: *Provided*, That before this shall take effect the securities of said sheriff shall, at the April or May term of the county court of said county, appear before said court, and enter their consent of record to said extension of time.

§ 2. This act shall take effect from its passage.

Approved April 4, 1873.

CHAPTER 687.

AN ACT to amend the charters of the Jefferson and Brownsboro, and Harrod's Creek and Sandhill Turnpike Road Companies and branches.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the Jefferson and Brownsboro Turnpike Road Company and its branches, and the Harrod's Creek and Sandhill Turnpike Road Company, be so amended as to release the stockholders and their hands in said road and branches from work on county or dirt roads: *Provided*, They be required to work on said turnpike roads and branches under the direction of the president of said road or roads, under the same laws now in force, and subject to the same penalties, to keep in repair county or dirt roads; and the president may assign certain hands to certain parts of road.

§ 2. And the president and directors may locate their

toll-gates at any point outside of the city limits or incorporated towns not inconsistent with the general law.

1873.

Approved April 4, 1873.

CHAPTER 688.

AN ACT to amend the charter of the Paducah, Benton, and Murray Gravel Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the Paducah, Benton, and Murray Gravel Road Company be, and the same is hereby, so amended that it shall be lawful, and the right and power is hereby granted for that purpose, for the said company to erect, of wood or iron or stone, a bridge across Clark's river, in McCracken county, at a point where said gravel road crosses said stream, and to have and keep up the same, by repairs or building new bridges at said place; and have, and the right is hereby granted said company to charge and collect toll from the traveling public crossing the same, not exceeding the following rates: for footmen, nothing; for man and horse, five cents; for each loose horse, mule, or cattle, three cents; for sheep or hogs being driven across, one cent each; for horse and buggy, ten cents; for wagon and two horses, ten cents; for wagon and three horses, twelve and a half cents; for wagon and four horses, fifteen cents; for wagon and six horses, twenty cents; and the same charge for wagons and oxen as charged for wagons and horses: *Provided, however,* That the president and directors of said company, by resolution of their board, may fix the rates of toll at a lower rate, but not to exceed the foregoing rates.

Company may erect bridge and charge tolls.

§ 2. The Legislature reserves the right to amend or repeal this act at any time.

§ 3. This act to take effect from its passage.

Approved April 4, 1873.

CHAPTER 689.

AN ACT for the benefit of common school districts Nos. 70 and 73, in Warren county.

WHEREAS, The trustees of school district No. 73, Warren county, in order to have a better school taught than they otherwise could have obtained, have agreed with the trustees of district No. 70 to have the school for the present school year at a place common to both districts, and to apply the money drawn by each of said districts

1873. to such school, and that such school should be free to all the pupil children of both districts; and whereas, the Superintendent of Public Instruction has decided such consolidation illegal; and whereas, there was an innocent misapprehension of the law upon the part of the trustees of both districts and of the former commissioner of the county; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Superintendent of Public Instruction be authorized to draw his warrant on the Auditor for the money due districts Nos. 73 and 70, and that the trustees shall pay the money to the teacher of said school.

§ 2. This act shall take effect from and after its passage.

Approved April 4, 1873.

CHAPTER 690.

AN ACT providing for copying the surveys, plats, and certificates of land in Warren county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

County court to appoint commissioner to copy plats, survey, &c.

§ 1. That the county court of Warren county shall, as soon as practicable after the passage of this act, appoint some suitable person as commissioner, whose duty it shall be (after first being sworn to truly and faithfully discharge the duty) to copy in a well-bound book (to be furnished by said county court) all the surveys, plats, and certificates of land in Warren county, and make proper and plain indexes thereto.

Said copies to be deposited with county clerk, and copies to be legal evidence.

Surveyor to furnish originals to commissioner.

Clerk to keep up record of same.

§ 2. When said commissioner shall copy said surveys, plats, and certificates, and make index thereto, he shall deposit the same with the county court clerk of Warren county, and said copies shall be kept in said office as other records of the county, and shall be evidence in all cases as fully as the originals. It shall be the duty of the surveyor to furnish said commissioner with the original surveys, plats, and certificates until the same can be copied as required by this act; and when the surveys, plats, and certificates are all copied that are now on file in the surveyor's office, it shall be the duty of the county court clerk of Warren county to copy such surveys as may hereafter be made in said county.

Compensation of commissioner.

§ 3. The commissioner appointed under this act shall be paid a reasonable compensation for his services in copying said surveys, plats, and certificates, out of the county levy of Warren county.

§ 4. This act shall take effect from its passage.

Approved April 4, 1873.

CHAPTER 692.

1873.

AN ACT to repeal an act, entitled "An act to amend an act, entitled 'An act to charter the Crab Orchard and Crews Knob Turnpike Company,'" approved March 20, 1872.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to amend an act, entitled 'An act to charter the Crab Orchard and Crews Knob Turnpike Company,'" approved March 20, 1872, be, and the same is hereby, repealed, and the property and franchise in and to said road is turned over to the corporation of the town of Crab Orchard, to be by said corporation kept up as one of the streets of said town free of toll.

§ 2. This act shall take effect from its passage.

Approved April 4, 1873.

CHAPTER 693.

AN ACT to repeal an act, entitled "An act for the benefit of the German Evangelical St. Paul Church of Paducah," and to revive the act approved 26th January, 1869, named therein.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act for the benefit of the German Evangelical St. Paul Church of Paducah," approved February 6, 1873, chapter 94, be, and the same is hereby, repealed, and the act, entitled "An act to incorporate the German Evangelical Lutheran St. Paul Church, at Paducah," approved 26th January, 1869, is re-enacted, and declared to be in full force and effect, as though the act approved February 6, 1873, had never passed.

§ 2. This act to take effect from its passage.

Approved April 8, 1873.

CHAPTER 694.

AN ACT for the benefit of common school district No. 1, in Allen county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a capitation tax of five dollars on all male white citizens over the age of twenty-one years residing in common school district No. 1, in Allen county, and an ad valorem tax of not exceeding twenty-five cents on the one hundred dollars of taxable property in said district, owned by white persons, is hereby authorized to be levied for the purpose of building a common school-house in said district.

Tax to be levied
to build school-
house.

1873.

§ 2. Said ad valorem tax shall be levied annually until a sufficient sum shall have been raised to build a good school-house in said district, not, however, to exceed the sum of one thousand dollars.

Question of tax
to be submitted to
people.

§ 3. The tax provided for in this act shall not be levied until the question shall have been submitted to the legally qualified white voters in said district, at the next annual election for school trustees in said district, which election shall be holden by the trustees of said district; and if a majority of all the votes cast shall be in favor of said tax, said trustees, then elected, shall, from the county assessor's books last returned, proceed to assess the tax as provided in this act, and list the same with the sheriff of Allen county, who shall proceed to collect the same as other taxes, and pay the same over to the trustees of said district; and he shall be liable for the faithful discharge of his duty under this act upon his official bond.

Sheriff to collect
tax.

Trustees to ex-
ecute bond.

§ 4. Before the trustees shall receive the money from the hands of the sheriff, they shall execute a bond before the judge of the county court of Allen county, with good surety, for the faithful performance of their duty under this act, and apply the money so collected to the erection of a school-house as contemplated by this act.

Trustees to be
building commit-
tee.

§ 5. The trustees of said district shall constitute a building committee, who shall superintend the construction of the school-house, and contract for the building of the same.

Sheriff's fees.

§ 6. The sheriff shall receive four per cent. on the amount collected as compensation for his services.

§ 7. This act to take effect from and after its passage.

Approved April 7, 1873.

CHAPTER 695.

AN ACT to incorporate the Owenton and Sparta Telegraph Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Name and style.

§ 1. That a body-corporate and politic be, and is hereby, created, formed, and organized, under the name and style of the "Owenton and Sparta Telegraph Company;" and under that name and style it shall have perpetual succession; may contract and be contracted with, sue and be sued, implead and be impleaded, in all the courts of this Commonwealth.

Object.

§ 2. The object and business of said corporation shall be to construct, keep up, and maintain a line of telegraph in Owen and Gallatin counties, from Owenton to Sparta.

Capital stock.

§ 3. The capital stock of said company shall not exceed five thousand dollars, to be divided into shares of ten dollars each.

§ 4. That Wm. Shaw, H. P. Montgomery, I. F. Mundy, J. C. Strother, and Jesse Holbrook, be. and they are hereby, appointed commissioners, any three of whom may act, to open books for the subscription of stock to said company. The subscribers for stock in said company shall sign the following obligation, to-wit: "We, whose names are hereunto subscribed, hereby obligate ourselves to pay to the Owenton and Sparta Telegraph Company ten dollars for each share of stock in said company hereby subscribed by us." The number of shares so subscribed by each person shall be designated opposite each subscriber's name. The commissioners hereinbefore named shall constitute the board of directors of said company for one year after the organization of said company, and shall organize by electing a president and such other officers as they may see proper. After the expiration of their term of office an election shall be held annually for five directors, at which each stockholder shall have one vote for each share of stock owned by him. The board of directors shall elect their own president and such other officers as may be provided for in the by-laws.

1873.

Corporators' names.

Obligation of subscribers.

§ 5. So soon as the sum of one thousand dollars is subscribed in good solvent subscription to the capital stock of said company, they shall proceed to organize as provided in the last section preceding. The president and directors shall be stockholders; and said company may, after its organization, receive additional subscriptions of stock to said company.

When company may organize.

§ 6. The president and directors shall have power to appoint and pay such officers and agents as they may deem necessary for the transaction of their business, either in constructing or carrying out the purposes of said telegraph line, and may pass such by-laws, rules and regulations, as they may deem necessary, not inconsistent with this act, or with the Constitution of this State or of the United States.

Directors to appoint officers, &c.

§ 7. The said company may receive the release right of way for said telegraph line, and donations of posts or other material for the construction of said line; and so soon as said telegraph line shall be completed, said company shall have the right to charge for and collect a fee for each message sent over said line: *Provided*, Said fee shall not exceed the usual rates on like telegraph lines; and shall have the right to do all other legal acts necessary to carry out the purposes of this charter.

May acquire right of way.

§ 8. This act shall take effect from its passage.

Approved April 7, 1873.

1873.

CHAPTER 696.

AN ACT to establish a colored free school at Bowling Green.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

School tax imposed upon colored people.

§ 1. That the mayor and council of the city of Bowling Green, in addition to the taxes authorized by the charter of said city, be, and they are, authorized to levy a tax of one dollar on every male person of African descent, over the age of twenty-one years, resident in the said city of Bowling Green; and also to levy upon the property owned by all persons of African descent, resident in said city, and situated therein, the same tax which is imposed upon similar persons and property by the general revenue laws of this State, the proceeds of which taxes shall constitute a fund for the education of the colored children resident in said city.

Taxes to be collected and how disposed of.

§ 2. The said taxes shall be assessed and collected as the school tax authorized by the act to which this is an amendment is assessed and collected, and the officer collecting the same shall be responsible therefor upon his bond as by said act provided; and when collected, shall be paid to the treasurer of the said city, who shall be responsible therefor upon his official bond, and shall pay out the same upon the order of the board of trustees herein provided for.

Mayor and council to appoint trustees.

§ 3. The mayor and council shall appoint five persons, residents of the city of Bowling Green, who shall be the trustees of the school herein provided for, and it shall be their duty to apply the fund raised under this act, as they may deem best, to the erection of school-houses, and the establishment and support of schools for the benefit of colored children, between the ages of six and twenty years, resident in the said city. They shall take an oath faithfully to perform their duties as such trustees, and shall hold their offices for two years, and until their successors shall have been qualified. They shall keep a record of their proceedings in a book or books provided for the purpose, and transmit a copy of said proceedings to the mayor and council semi-annually.

To take oath, and term of office.

Shall keep record

County judge to appoint commissioner to ascertain amount of colored school fund now due.

§ 4. That the judge of the Warren county court shall appoint a commissioner to ascertain and determine the proportion to which the city of Bowling Green may be entitled of the negro fund heretofore collected in the county of Warren under the act, entitled "An act for the benefit of negroes and mulattoes of this Commonwealth," approved February 16, 1866, and March 9, 1867, who shall report the said amount to the Warren county court; and the said court shall order the receiver of said fund for said county to pay the same to the treasurer of the

city of Bowling Green, and it shall be applied by the said trustees as the other moneys provided for by this act.

1873.

§ 5. That the fund provided for by this act shall be paid in money, and shall be kept separate and apart from the other moneys of the city; and where any person owing taxes herein provided for shall have no property subject to levy for the same, the officer collecting said tax may serve a notice upon any debtor of said person, which shall operate as an attachment, and shall be authorized to receive from such debtor the amount of such tax, and the payment to him shall be a discharge to that extent of the debt.

How funds shall be paid and kept, and means to collect tax.

§ 6. That the act, entitled "An act for the benefit of negroes and mulattoes of this Commonwealth," approved March 9, 1867, and all other general laws imposing taxes upon persons of African descent (negroes and mulattoes), as to the said city of Bowling Green, be and they are hereby, repealed.

§ 7. Provided, that no tax shall be assessed under this act until the question of taxation shall have been submitted to the colored voters of the city of Bowling Green and a majority of said voters shall vote in favor of said tax. Said question shall be submitted by the city council of Bowling Green, upon the application of five colored voters in said city, under such rules and provisions as they may prescribe in the order of submission. Notice of said election shall be given in the papers published in Bowling Green for two weeks prior to said election.

Question of tax to be submitted to colored voters.

§ 8. This act to take effect and be in force from and after its passage.

Approved April 7, 1873.

CHAPTER 697.

AN ACT to facilitate the collection of delinquent taxes in Owen county.

WHEREAS, The county court of Owen county has relisted the delinquent tax lists for the years eighteen hundred and seventy (1870) and seventy-one (1871) with the constables of said county; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the constables of Owen county shall have all powers now possessed by the sheriffs of this Commonwealth under law for the collection of such delinquent taxes due the county; but they shall execute good and sufficient bonds for the faithful payment of the same to the proper authorities.

§ 2. This act shall be in force from its passage.

Approved April 7, 1873.

1873.

CHAPTER 698.

AN ACT for the benefit of Sally Sanders.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, instructed to draw his warrant on the Treasurer, in favor of T. J. Polk, present committee for Sally Sanders, a pauper idiot, for the sum of fifty dollars, for maintenance and support of said idiot for year beginning May, 1870, and ending May, 1871.

§ 2. This act shall take effect from its passage.

Approved April 7, 1873.

CHAPTER 699.

AN ACT to amend an act, entitled "An act to incorporate the Clay Fire and Marine Insurance Company of Newport," approved March 10, 1856.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That sections one (1) and two (2) of an act, entitled "An act to incorporate the Clay Fire and Marine Insurance Company of Newport," approved March 10, 1856, be so amended that the Clay Fire and Marine Insurance Company of Newport is hereby constituted a body-corporate, with perpetual succession; and that said Clay Fire and Marine Insurance Company is hereby authorized, by a vote of a majority of its stockholders, to increase its capital stock, in the aggregate, to the amount of five hundred thousand dollars (\$500,000): *Provided*, That said Clay Fire and Marine Insurance Company, with its increased capital stock, shall be subject to the conditions and provisions of an act, entitled "An act to establish an Insurance Bureau for the incorporation and regulation of insurance companies in this Commonwealth," approved March 12, 1870.

§ 2. This act shall take effect from and after its passage.

Approved April 7, 1873.

CHAPTER 700.

AN ACT to amend the charter of the Webster Coal Company, approved March 9, 1867, and amendment thereto, approved March 20, 1871.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the Webster Coal Company," approved March 9, 1867, and

an amendment thereto, approved March 20, 1871, be, and the same is hereby, so amended as to authorize and allow any three of the persons named in said act and amendment thereto, to organize said company as provided in said act: *Provided*, That before said company is organized, books for the reception of stock shall be opened, and not less than three thousand dollars subscribed.

1873.

§ 2. That said company, in the prosecution of their business, shall have the right to pass over the lands of other persons: *Provided*, They shall obtain the consent of the owners by agreement; and failing to obtain consent of any such owner or owners, said company shall have the right to proceed to condemn the same as now prescribed by the Revised Statutes of this State for the condemnation of right of way for turnpikes and plank roads.

§ 3. This act shall take effect from its passage.

Approved April 7, 1873.

CHAPTER 701.

AN ACT to incorporate the Williamsburg Geological and Mining Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That J. J. Tye, Milton Foley, Ephraim Jones, [and] L. D. Sutton, and their associates and successors, are hereby constituted a body-corporate and politic, by the name of the Williamsburg Geological and Mining Company; and as such shall possess and exercise all the powers, privileges, and rights of a body-corporate, and all the powers granted by this act, for the term of ninety-nine years from and after the passage of this act.

Corporators' names.

Name and style.

§ 2. That the capital stock of the said company shall not be more than twenty-five thousand dollars, which shall be divided into shares of twenty-five dollars each.

Capital stock.

§ 3. That the above named corporators, together with such others as may be associated with them, shall have power, and are hereby authorized, to elect, at such time and places as may be convenient, a president, secretary, treasurer, and such other officers as they may deem needful for the transaction of their corporate business; and to make and enforce such by-laws, not inconsistent with the Constitution and laws of the Commonwealth, as may be necessary for the conducting of the business of said corporation.

Stockholders to elect officers.

§ 4. That said corporation shall have power to, and they are hereby authorized to, issue certificates of stock to the amount of twenty-five thousand dollars; and they shall

Corporate powers.

1873.

have power to purchase and hold such real, personal, or mixed estate as may be necessary for the transaction of its business; and also to take and hold any real estate as security to secure the payment of any debt due said corporation, or to purchase real and personal estate at any sale made in virtue of any judgment at law, or decree in equity, in favor of said corporation.

May receive subscriptions of stock

§ 5. That the corporators aforesaid, or a majority of them, may meet at any time, in Williamsburg, Kentucky, of which due notice shall be given, at which meeting they may open books and receive subscriptions to the stock of said institution: *Provided*, That said company shall not commence business until the sum of two per cent. upon all the stock subscribed for shall have been paid.

Lien on stock to exist in favor of corporation

§ 6. That the corporation shall have a lien upon the stock for debts due them in preference to other creditors, except the State for taxes.

§ 7. That said persons, by and in their corporate name, shall have power to contract and be contracted with, to sue and be sued, to plead and be impleaded, in all courts; to own property, real and personal; and to engage in geological and mining pursuits for any and all minerals they may think proper.

§ 8. This act shall take effect from its passage.

Approved April 7, 1873.

CHAPTER 702.

AN ACT for the benefit of Martha A. Hightower, a pauper lunatic.

WHEREAS, Martha A. Hightower was duly adjudged a pauper idiot, by the Kenton circuit court, on the 28th day of December, 1866, and by neglect said Martha was not brought before said court at the December term, 1871, as required by statute; but was again brought before said court at the December term, 1872, and again declared a pauper idiot; and whereas, by said neglect the Governor of State is not authorized to draw his warrant upon the State Treasurer for the amount of fifty dollars, as allowed by law in such cases for pauper idiots, being the amount she should have received for the year 1872, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the State Auditor be, and he is hereby, directed to draw his order upon the State Treasurer in favor of Charles H. Mooar, the committee of said Martha A.

Hightower, for the sum of fifty dollars, to be paid out and expended by said Mooar for the benefit of said Martha, and to be accounted for by said Mooar in his reports to said court.

1873.

§ 2. This act shall take effect from and after its passage.

Approved April 7, 1873.

CHAPTER 703.

AN ACT to amend the charter of the South Kentucky Fair Ground Association.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That hereafter the officers of "The South Kentucky Fair Ground Association" shall be elected in each year on the first Saturday in November.

When officers to be elected.

§ 2. That it shall be unlawful for any person to sell, give, or furnish to any one, any spirituous, vinous, or malt liquors within one fourth of a mile of the grounds of said association, in said county; and any person who shall do so shall be fined upon warrant the sum of fifty dollars each time he or she shall so do, in any court of competent jurisdiction, and imprisoned in the county jail of said county until the sum be paid.

Unlawful to sell or give liquors on fair grounds.

Penalty.

§ 3. That the policemen appointed by the officers of said association, during the time of its fairs in said county, shall have power, and are hereby invested with the same, to arrest any person within the grounds of said association, or within one fourth of a mile of the same, in said county, who may be guilty of a violation of the provisions of the preceding section of this act, or who may be guilty of any riotous or improper conduct within said grounds, with or without warrant. But the policemen, as aforesaid, making such arrest, shall immediately take the person arrested before some court of said county who has jurisdiction of the offense for which such person has been arrested, who shall proceed to try such person—reasonable time being allowed the accused to obtain counsel, and to secure the attendance of such witness as he may desire to have summoned—or shall take the bond of the accused, with good and sufficient security, that he will appear at some future time for trial before said court for said offense, to be fixed by said court, not to exceed five days from the time of the arrest of the accused; or said court shall commit the accused to the county jail of said county, there to be confined until the day fixed as aforesaid for his trial.

Powers of police of said association.

§ 4. All acts in conflict with this act are hereby repealed.

1873. § 5. This act shall be in force from the time of its passage.

Approved April 7, 1873.

CHAPTER 704.

AN ACT for the benefit of John Pinkerton, of Carter county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, authorized to draw his warrant on the Treasury in favor of John Pinkerton, for one hundred dollars, pay for taking care of William Pinkerton, a pauper lunatic, from the 12th day of March until 15th October, 1872, by order of the county court of Carter county.

§ 2. This act shall take effect from its passage.

Approved April 7, 1873.

CHAPTER 705.

AN ACT for the benefit of W. R. Stringer, of Livingston county.

WHEREAS, John W. Dunford was found by an inquest, legally held, to be a lunatic, and was, by an order of the judge of the Livingston county court, placed in the custody of W. R. Stringer, a committee, for the period of thirteen months and one week, the insane asylum being so crowded he could not be received therein; and whereas, W. R. Stringer received, in obedience to said order, said lunatic, and waited upon, clothed, and dieted the said John W. Dunford, during the said thirteen months and one week, from the 21st day of February, 1871, to the 28th day of March, 1872:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That W. R. Stringer be allowed the sum of two hundred and twenty-one dollars; and that the Auditor draw his warrant upon the Treasurer for said sum in favor of said Stringer, payable out of any money in the Treasury not otherwise appropriated.

§ 2. This act to be in force from [and] after its passage.

Approved April 7, 1873.

CHAPTER 706.

1873.

AN ACT for the benefit of Mrs. Elizabeth J. Spradlin, of Floyd county.

WHEREAS, It is represented to the General Assembly that Samuel Spradlin, of Floyd county, in the summer of 1872, obtained from the Floyd county court a license to keep a tavern, for which he paid twenty-five dollars, which said sum goes into the Treasury of the State, and that a few days afterward the said Spradlin died, and his widow, Mrs. Elizabeth Spradlin, was compelled to pay a like sum to said court for a new license to keep a tavern at the same place; wherefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts draw his warrant on the Treasurer in favor of the said Elizabeth J. Spradlin, for the sum of twenty-five dollars.

§ 2. That this act shall take effect from its passage.

Approved April 7, 1873.

CHAPTER 707.

AN ACT to amend an act, entitled "An act to incorporate the Mt. Sterling Water Works Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That whenever the proprietors of land necessary to the location and construction of reservoirs and water-works buildings, or to the laying down of pipes, do not agree with the company as to the price to be paid therefor, the company may acquire such land or right of way in such manner as is provided in the charter of the Elizabethtown, Lexington, and Big Sandy Railroad Company for obtaining the right of way.

§ 2. That the company shall have authority to elect its president for a term not exceeding three years, and its board of directors, in whole or in part, as they may deem best, for a term not exceeding four years.

Approved April 7, 1873.

CHAPTER 708.

AN ACT to incorporate the Dallasburg Cemetery Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Samuel H. Riley, sr., Josephus Vanderen, John J. Alexander, N. S. Riley, and P. E. Gentry, their

Corporators' names.

1873. successors and associates, be, and are hereby, constituted a body-corporate, under the name and style of the "Dallasburg Cemetery Company;" and by that name they shall have power to contract [and be contracted] with, sue and be sued; use a common seal; make all necessary by-laws, rules and regulations, for its government, not inconsistent with law and the provisions hereof; and do such other things as are incident to such a corporation, and necessary to effectuate the object and purpose thereof, which is to provide a suitable and permanent cemetery for the burial of the dead.

Corporate powers.

Lands to be exempt from taxation.

Shall cause plat to be made and recorded.

Stockholder to be entitled to conveyance of lot.

§ 2. Said corporation shall have the power to take, acquire, and hold, by purchase, gift, or devise, for the purpose aforesaid, any quantity of land in the county of Owen, and on the Eagle Creek, Dallasburg, and Bethel Turnpike, between the residences of Samuel H. Riley, sr., and Josephus Vanderen's, not exceeding two acres, and receive a conveyance of the same in its corporate name, which land, when so conveyed, shall be held by said corporation for a cemetery, and shall never be alienated or used by said corporation for any other purpose; and said land and its appurtenances shall be forever free and exempt from all taxation, and from all executions, attachments, or other legal process, and from any charge, liability, appropriation or assessment, to or for any public purpose, inconsistent with its use as a cemetery, for which purpose and use it is hereby forever dedicated.

§ 3. Said corporation shall cause a plat or plan to be made of the land so acquired by it, dividing the said land into suitable avenues, walks, and burial lots, and designating the said avenues and walks by name, and the said burial lots by numbers; which plat or plan shall be recorded on the books of said corporation, and on the records of titles of Owen county. After the said land is thus laid off, the corporation shall have power to sell said burial lots in such manner, and on such terms, as may be prescribed by the board of directors of said corporation, and the proceeds of the sales of said lots to be applied first to pay the purchase price of the land, and inclosing the same with a permanent and durable fence, and thereafter to improve, embellish, and adorn the cemetery grounds.

§ 4. Each purchaser of a burial lot in said cemetery, upon the production of a receipt in full for the price of the lot purchased by him from the acting treasurer of the corporation, shall be entitled to a conveyance of said lot, which conveyance shall be made by a certificate of the board of directors of the corporation, under seal of the corporation, countersigned by the acting secretary of the corporation, specifying that such purchaser is

1873.

the owner of such lot or lots, which certificate shall be recorded on the books of the corporation, and on the records of title of Owen county; and such certificate shall vest the fee-simple right and title in and to such lot or lots in the purchaser, his heirs and assigns forever, exempt and free from all assessments or taxation, or executions, attachments, or other legal process, and shall have the same effect for all purposes as deeds duly executed, delivered, and recorded; but said lots shall be held by the purchasers thereof subject to the by-laws, rules and regulations, of the corporation and its board of directors; and said lots shall never be used by said purchasers for any other purpose than that of burial lots; and if applied to any other use, the right and title thereto shall revert to the corporation.

§ 5. Each person receiving a certificate as aforesaid for one or more of the said lots shall thereby become, and be considered thereafter, a member of this corporation, and he shall be entitled to a vote in all meetings of the corporation.

Stockholders to be members of corporation.

§ 6. The affairs and business of the corporation shall be managed by a board of five directors, all of whom must be lot-owners in said cemetery. This board of directors may be elected annually by the members of the corporation, and may hold their office for one year, and until their successors are elected and qualified. They shall choose a president out of their number, and they may appoint a secretary and treasurer, who shall give such bond as they may require for the faithful performance of his duties. All vacancies in said board of directors shall be filled by an appointment made by the president.

Directors—when elected, term of office, and powers.

§ 7. The board of directors shall make such by-laws, rules and regulations, as they may deem proper for calling and conducting their meetings, and for the transaction of their business and duties. They shall have control of all business transactions of said corporation; shall collect and expend for the said corporation, as herein provided, all moneys; shall have complete control of the cemetery grounds and other property; shall have power to inclose, improve, embellish, and adorn the cemetery grounds, and to prescribe rules for inclosing, adorning, and erecting monuments upon the cemetery lots by purchasers; and shall have power to prohibit any use, division, or adornment of a lot which they may deem improper, or may abate or alter the same. The board of directors shall report annually their actions and the condition of the corporation at the regular meeting of the lot-owners to elect directors.

Additional powers of directors.

§ 8. The persons hereinbefore named as incorporators

1873. shall constitute the first board of directors of the corporation.

Penalty for
violating graves,
injuring monu-
ments, &c.

§ 9. If any person shall willfully and without lawful authority violate any of the graves of the dead, or deface or remove any of the tombstones, monuments, or inclosures, or cut, break, or injure any tree, shrub, plant, or other ornament of said cemetery, he shall be deemed guilty of a misdemeanor, and besides being liable to the corporation, or to the owner of the lot injured, for damages or injury done, he shall, upon conviction in any court having jurisdiction, be fined not less than five nor more than fifty dollars for each offense. Power is hereby conferred upon each of the board of directors of this corporation, and upon the superintendent appointed by them to take charge of said cemetery, to arrest without warrant, and take before the proper officer and tribunal, to be dealt with according to law, any and all persons found offending against any of the provisions of this section.

May borrow
money and issue
bonds for same.

§ 10. That it shall be lawful for the president and directors of said company, from time to time and at all times, to borrow or obtain on loan, or upon bonds which may be issued by them, bearing a rate of interest not to exceed ten per cent. per annum, such sums of money as they may deem necessary and expedient for the use of said company; and it shall be the duty of said board of directors, at the time of issuing any such bonds, to provide means for creating a sinking fund adequate to redeem said bonds at maturity.

§ 11. This act shall take effect from its passage.

Approved April 7, 1873.

CHAPTER 709.

AN ACT for the benefit of the administrators of Asa Gilbert, late sheriff of Clay county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Farmer Roberts and Haywood Gilbert, administrators of the estate of Asa Gilbert, deceased, late sheriff of Clay county, be, and they are hereby, authorized and empowered to collect by distraint all taxes of every kind, and all fee bills remaining uncollected on account of the death of said Asa Gilbert, deceased, that were due and owing said Gilbert, deceased.

§ 2. That before the said Farmer Roberts and Haywood Gilbert shall commence the collection authorized under this act, they shall go before the presiding judge of Clay county and give bond, with good and sufficient secu-

city, to faithfully collect and pay over to the proper persons all moneys authorized to be collected under this act.

1873.

§ 3. That this act shall take effect and be enforced for two years after its passage.

Approved April 7, 1873.

CHAPTER 710.

AN ACT to amend an act, entitled "An act to regulate the civil jurisdiction of the police court in the city of Hickman, Fulton county," approved February 9th, 1872.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the police court of the city of Hickman, in Fulton county, shall also have civil jurisdiction in cases where the defendant or defendants are non-residents of the State.

§ 2. This act shall take effect and be in force from its passage.

Approved April 7, 1873.

CHAPTER 711.

AN ACT for the benefit of Mildred Broadus, a pauper idiot, of Lincoln county.

WHEREAS, At the April term, 1872, of the Lincoln circuit court, to-wit: on the — day of April, 1872, Mildred Broadus, a pauper negress, of Lincoln county, was, by a judgment of said court, found to be an idiot, and W. H. Miller, a citizen of said county, appointed a committee for said idiot, and directed to take charge of and provide her with suitable food, raiment, &c., as provided for by law in the case of pauper idiots; and whereas, at the October term, 1872, of said court, said committee was, by an order thereof, allowed at the rate of fifty dollars per annum for supporting said pauper idiot, to be paid out of the Treasury of the State, which allowance the Auditor of Public Accounts has, upon the production of the proper certificate, refused to audit for payment; and whereas, it appears that said committee now has charge of said idiot, and has continued to provide for and support her, under the order of the Lincoln circuit court aforesaid, at the cost to him of fifty dollars, and has received no compensation therefor:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasurer for

1873. the sum of fifty dollars (\$50), in favor of W. H. Miller, of Lincoln county, in full satisfaction of his claim against this Commonwealth for the support of a negro pauper idiot, Mildred Broadus, for one year from the 20th day of April, 1872, to the 20th day of April, 1873, to be paid out of any money in the Treasury not otherwise appropriated.
- § 2. This act shall be in force from and after its passage.

Approved April 7, 1873.

CHAPTER 712.

AN ACT for the benefit of the Big Sandy Telegraph Company.

WHEREAS, It appears that the Big Sandy Telegraph Company was organized under the general law of this Commonwealth, on the 19th day of August, 1872; and whereas, it did not, within three months after its organization, file with the Secretary of State a copy of its articles of incorporation; now, in remedy thereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the further time of forty days from the passage of this [act] be given said company, in which to file with the Secretary of State the said articles of incorporation; and the same, when so filed, shall be as valid as though filed within the time required by law; and all deeds or rights of way made to, or acquired by, said company, are hereby legalized and validated.

§ 2. This act to take effect from its passage.

Approved April 7, 1873.

CHAPTER 713.

AN ACT to amend an act, entitled "An act to amend an act, entitled 'An act to incorporate the Kentucky and Great Eastern Railway Company.'"

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the provisions of section two of an act, entitled "An act to amend an act, entitled 'An act to incorporate the Kentucky and Great Eastern Railway Company,'" approved March 27, 1872, requiring that no vote shall be taken in either of the counties mentioned in section one of said act, while laborers are engaged in the construction of said railway, shall not apply to the county of Mason; but no person shall vote, at any election, who is not a qualified voter at the time of the passage of this act.

§ 2. That the board of directors of said company shall consist of any number of persons, not exceeding thirteen, to be fixed by the by-laws.

1873.

§ 3. That section three of said amendment shall not be construed to deny to said company the right, on paying or depositing with a bonded officer of the county the damages which may be assessed by the commissioners as provided in said section, to proceed with the construction of said railway without delay; but said company, on payment or deposit of such damages, may take the land, or material valued, without awaiting the final determination of the litigation provided for in said section, which may, nevertheless, proceed, in all respects, unaffected by such payment or deposit: *Provided*, That if, in any case, the party litigating recovers no more than the amount paid or deposited as aforesaid, the company shall recover costs.

§ 4. That this act shall take effect from its passage.

Approved March 27, 1873.

CHAPTER 714.

AN ACT to incorporate the Sodom Turnpike Road Company, in Scott county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company is hereby incorporated and created a body-politic, under the name and style of the Sodom Turnpike Road Company, with a capital stock not to exceed five thousand dollars, to be divided into shares of fifty dollars each, for the purpose of constructing a turnpike road from the Georgetown and Frankfort Turnpike to Sodom; the same shall have perpetual succession; may sue and be sued, plead and be impleaded, contract and be contracted with; may have a common seal, and alter and amend the same at pleasure; may acquire by purchase, or writ of *ad quod damnum*, the ground for the residence of toll-gate keepers, and such rock, timber, and quarries as may be necessary in the construction and the repair of their road.

Name and style.
Capital stock.

Corporate
powers.

§ 2. Stephen A. Twyman, J. Gallahew, and Moses Thomas are appointed commissioners, any of whom may open books for the subscription of stock to said road; and the obligation of subscribers shall be binding in law upon said subscribers

Commissioners'
names and duties.

§ 3. Whenever the sum of one thousand dollars shall be subscribed in stock, said commissioners, or any two of them, may call a meeting of such subscribers, to be held at such time and place as they may designate, and at such

When compa-
ny may be organ-
ized.

1873. meeting a president and three directors shall be elected, who shall appoint a treasurer; all said officers shall hold their offices for one year, and until their successors are chosen; a meeting of the stockholders for the election of officers shall be held each year, either at the same time and place as the first meeting, or at such other time and place as may be designated by the directory; and at all elections of said company each stockholder shall have one vote for one share which he may hold, which vote he may cast either in person or by written proxy.

Treasurer to
give bond.

§ 4. The treasurer, before he enters on the discharge of his duty as such, shall execute a bond, with approved security, conditioned that he will faithfully discharge the duties of his office, and pay over all sums that may come into his hands upon the order of the directory.

Width and grade
and when toll-
gate may be
erected.

§ 5. The width of said road shall not be more than thirty feet, and of the metal of it not less than twelve feet; when said road shall have been completed three miles, said company may erect a toll-gate at such point thereon as they may prefer, and may charge and receive toll as is now provided for and prescribed in chapter one hundred and three of the Revised Statutes, he may travel thereon bears to the distance of five miles.

Powers of board
of directors.

§ 6. The president and directors may make such by-laws for the management of the affairs of their road as they may deem necessary: *Provided*, That the same are not inconsistent with this act or the Constitution and by-laws of the State.

§ 7. This act shall take effect from and after its passage.

Approved April 9, 1873.

CHAPTER 715.

AN ACT for the benefit of Thomas M. Purnell.

WHEREAS. THOS. M. Purnell, a constable in the Millersburg precinct of Bourbon county, acting under an order of A. J. Booth, sheriff of said county, did, in the month of October, 1870, summon a posse of men to quell a riot then proceeding in said district between a number of Irishmen on one side and negroes on the other, and expended and paid out the sum of one hundred and twenty dollars and sixty cents to men summoned by him on that occasion, and who served as such; and said claim has been allowed by the Bourbon circuit court, and the Auditor doubting his authority to pay the same in the form presented, therefore:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be directed

to issue his warrant upon the Treasurer, in favor of Thos. M. Purnell, for the sum of one hundred dollars and sixty cents, being the amount expended and paid out under order of A. J. Booth, sheriff of Bourbon county, to quell a riot existing in said county aforesaid.

1873.

§ 2. This act shall take effect from and after its passage.

Approved April 9, 1873.

CHAPTER 716.

AN ACT to amend an act, entitled "An act to prohibit the sale of intoxicating liquors in the town of Claysville."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to prohibit the sale of intoxicating liquors in the town of Claysville," approved March 14, 1872, be submitted to the voters of the district described in said act, for their approval at the regular election in May or August, 1873, at which election the sheriff of the election shall cause a poll to be opened, at which the qualified voters of said district may vote "for the ratification of said act," or "against the ratification of said act;" and if at such election a majority of those voting shall be in favor of the ratification of said act, then the same shall continue to be the law, but if a majority of the voters at such election shall vote against the ratification of said act, then the said act shall be considered as repealed. The county judge of Webster county shall cause the time and place of said vote to be advertised in such manner as he thinks best.

Act to be submitted to people.

Duties of officers of election.

Notice to be given of election.

§ 2. This act shall take effect from its passage.

Approved April 9, 1873.

CHAPTER 717.

AN ACT to amend an act, entitled "An act to prohibit the sale of spirituous, vinous, or malt liquors in Morgantown, or within one half mile of the corporate limits thereof," approved February 28th, 1872.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That if any physician shall give any person a prescription to enable him to purchase any intoxicating liquor in said town of Morgantown, unless he (the physician) believes such person needs the same to promote his health, such physician shall be liable to a fine of not less than ten nor more than fifty dollars, to be recovered in the police court of said town on a warrant in the

Penalty on physicians for fraudulently prescribing liquors as medicine.

1873. name of the Commonwealth, or in the circuit court, upon indictment and trial, as in other cases of misdemeanor; nor shall any prescription be given to a person intoxicated.

Prescriptions to
state amount of
liquors.

§ 2. That each prescription shall state the amount to be furnished to the applicant, and shall be good only for the amount named at the time it is presented, which must all be delivered at that time.

Prescriptions not
to be partially
filled.

§ 3. No prescription shall be partly filled at one time and partly at another, but the entire amount shall be furnished and delivered at one time, and the prescription, after being filled or partly filled, shall be null and void ever afterwards.

§ 4. This act to take effect and be in force from and after its passage.

Approved April 9, 1873.

CHAPTER 718.

AN ACT for the benefit of the Hillsboro and Mouth of Fox, and the Tilton and Day's Mill Turnpike Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Hillsboro and Mouth of Fox, and the Tilton and Day's Mill Turnpike Companies be, and the same are hereby, authorized, under the provisions of their present charters, to connect their roads by a similar turnpike, at such points as will give the nearest practicable connection by turnpike, not between roads, but between the towns of Hillsboro and Tilton, in Fleming county.

§ 2. All previous amendments to connect the two roads are hereby repealed.

§ 3. This act to take effect from its passage.

Approved April 9, 1873.

CHAPTER 719.

AN ACT for the benefit of Mrs. V. W. Fishback.

WHEREAS, Mrs. V. W. Fishback paid the taxes due on a tract of land in Marshall county for the year 1864, and now presents said tax receipt; and whereas, said tract of land was returned as delinquent for the year 1864, and was forfeited in 1869 to the State, and was put into the hands of J. O. Johnston, agent for the Commonwealth of Kentucky, in the year 1872; and the said Mrs. V. W. Fishback did, on the 6th day of May, 1872, again pay the

taxes for the year 1864, amounting to nineteen dollars and sixty-two cents (\$19 62), as evidenced by said J. O. Johnston, agent, &c.'s, receipt;

1873.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts is hereby directed to draw his warrant on the Treasurer for the sum of nineteen dollars and sixty-two cents (\$19 62), to be paid out of any money in the Treasury not otherwise appropriated, in favor of Mrs. V. W. Fishback.

§ 2. This act to take effect from and after its passage.

Approved April 9, 1873.

CHAPTER 720.

AN ACT to prohibit the sale of spirituous, vinous, or malt liquors within one mile and a half of West Bend, Powell county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any person to sell spirituous, vinous, or malt liquors, in any quantity, within one and a half miles of West Bend, Powell county, Kentucky.

§ 2. That any person violating provisions of this act shall, upon conviction thereof, be fined in any sum not less than one hundred dollars nor more than five hundred dollars.

§ 3. That each sale shall be deemed a separate offense.

§ 4. This act shall be in force from its passage.

Approved April 9, 1873.

CHAPTER 721.

AN ACT for the benefit of the Kiddville and Montgomery Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the president and directors of the Kiddville and Montgomery County Turnpike Road Company are hereby authorized and empowered to execute a mortgage on the said road to secure the payment of the money borrowed to complete the construction of said road, if in their discretion it is deemed proper. The mortgage shall be valid when executed and acknowledged by the president of the said company, after an order made on the record of said company by the president and directors:

May mortgage
real to pay debt
for construction.

1873. *Provided*, That the said mortgage shall not be foreclosed for at least twelve months after its execution.

§ 2. This act shall take effect from its passage.

Approved April 9, 1873.

CHAPTER 722.

AN ACT for the benefit of William Little, curator of the estate of Robert C. Moore, deceased.

It appearing from the assessor's books on file in the Auditor's office, and from other proof, that William Little, as curator of the estate of Robert C. Moore, deceased, did, in the year 1868, list the farm containing three hundred and eight acres belonging to said estate, with the assessors of Bath and Montgomery counties for State revenue taxes, and that he has paid the State revenue taxes on said land twice for said year; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Treasurer of the State of Kentucky refund to said Little the sum of \$32 13, being the amount improperly paid the State on said land for said year.

§ 2. That this act take effect from and after its passage.

Approved April 9, 1873.

CHAPTER 723.

AN ACT to cause a head and foot-stone to be erected over the grave of Henry Morton (of color).

WHEREAS, Henry Morton, colored, who served this body in the capacity of porter for thirty-six years, faithfully, has recently died; and whereas, we desire to show our appreciation of faithful performance of duty in a public servant, no matter what may be his station in life; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of fifty dollars be appropriated to purchase a suitable head and foot-stone for the grave of said Henry Morton, which sum the Auditor shall draw his warrant for in favor of Harry L. Todd, who is authorized to carry this act into effect.

§ 2. This act shall take effect from its passage.

Approved April 9, 1873.

CHAPTER 724.

1873.

AN ACT to amend an act, entitled "An act to incorporate Lost Fork and Otter Creek Turnpike Road Company, in Madison county," approved March 16th, 1869.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act to incorporate Lost Fork and Otter Creek Turnpike Road Company, in Madison county," be, and the same is hereby, so amended as to authorize said company to construct the said turnpike road from the Richmond and Boonsborough Turnpike Road, at or near Republican Church, or from any other point on the Richmond and Boonsborough Turnpike Road, between the residence of Thomas J. Parish and the intersection of said turnpike road with the Richmond and Lexington Turnpike Road to Joel Karr's or Red House, or any other point on the Richmond, Otter Creek, and Boonsborough Turnpike Road, in said county, between the Red House and the mouth of the East Fork of Otter creek on said Richmond, Otter Creek, and Boonsborough Turnpike Road.

§ 2. This act shall take effect from its passage.

Approved April 9, 1873.

CHAPTER 725.

AN ACT to incorporate the Benevolent Society of Colored People of Millville, in Woodford county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That Henry Hunter, Randall Johnson, Wash Johnson, Isaac Lampkins, William Lampkins, Henry Harris, George Jackson, Westor Carter, Henry Wheeler, Merrit Bohannon, and Frank Bohannon, and their associates and successors, be, and they are hereby, created a body-corporate, by the name and style of "The Benevolent Society of Colored People of Millville, in Woodford county," and as such shall have perpetual succession, and by that name are made capable in law of contracting and being contracted with, suing and being sued, pleading and being impleaded, in all the courts of this Commonwealth; to have and use a common seal; to alter and change the same at pleasure; to make and establish all necessary and property rules, regulations, and by-laws for their own government: *Provided*, The same be not in conflict with the constitution or laws of this State or the United States. The said corporation hereby created shall have further power to acquire and hold real estate, of any value not

Corporators' names.

Name and style.

Corporate powers.

1873. exceeding twenty thousand dollars, and to sell and convey the same, or any part thereof, and reinvest the proceeds of such sale or sales in such manner as may be deemed expedient.

Annual election
of officers.

§ 2. The said company herein created shall have power to provide for the annual election of a president, secretary, and treasurer, together with a board of directors, to consist of not less than three nor more than five members, which election shall be conducted as the by-laws may direct.

§ 3. The said society shall have authority to receive and provide for all sick or indigent persons applying for assistance.

§ 4. This act shall take effect from its passage.

Approved April 9, 1873.

CHAPTER 726.

AN ACT to incorporate the United Colored Baptist Church of Lancaster.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators'
names.

Name and style.

Corporate pow-
ers.

Title to prop-
erty vested in trus-
tees.

Church may pass
by-laws, &c.

§ 1. That T. J. Moore, John Jennings, and Samuel Young, and their successors in office, to be chosen by the members, he, and they are hereby, created a body-corporate, by the name and style of "The United Colored Baptist Church," and by that name have perpetual succession, with full power to sue and be sued, to plead and be impleaded, so far as may be necessary to protect their rights, titles, property, and privileges which do now or may hereafter belong to the said church.

§ 2. The title to the land and personal property now belonging to and owned by said church shall vest in said trustees, together with the right to receive titles or conveyances of real or personal estate, by purchase or donation, not exceeding three acres of land, to be exempt from tax; and said trustees shall have power to sell and convey any part of the lot of ground now owned by them having been conveyed to them for the use and benefit of said church, to contract and be contracted with; and their acts shall be binding upon the members of said church when made in pursuance of the instructions of a majority of the members present, at any regular meeting thereof.

§ 3. The said church may at any time pass such by-laws, rules and regulations, not contrary to the constitution and laws of the State, as may be necessary for the management, protection, and safe-keeping of their premises and house or houses, and all other effects thereunto belonging or in any wise pertaining.

§ 4. This act shall take effect from its passage.

Approved April 9, 1873.

CHAPTER 727.

1873.

AN ACT to prevent the sale of intoxicating liquors in the Murphysville precinct, in Mason county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That it shall not be lawful for the trustees of the town of Murphysville, in Mason county, to grant license to any person to sell spirituous, vinous, or malt liquors, or any mixture of the same, in any quantity, in said town ; that it shall be unlawful for the county judge of said county to grant license to any hotel-keeper, merchant, or any person whatsoever, in the said town of Murphysville, or in the Murphysville voting precinct, to sell spirituous, vinous, or malt liquors, or any mixture of the same, in any quantity, except upon the petition of a majority of the legal voters of said precinct asking that said license be granted.

Unlawful to grant license to sell liquors in said town.

§ 2. This act to take effect from its passage.

Approved April 9, 1873.

CHAPTER 728.

AN ACT for the benefit of S. H. Piles, late sheriff of Livingston county.

WHEREAS, S. H. Piles, late sheriff of Livingston county, failed to pay into the Treasury the revenue due from said county for the year 1870, according to law, and judgment having been rendered by the Franklin circuit court against said S. H. Piles, and he since having paid principal, interest, and damages into the Treasury ; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Auditor be, and he is hereby, directed to draw his warrant on the Treasurer for the sum of twenty-four dollars and thirty-seven cents, the amount of damages so paid by said Piles, out of any money in the Treasury not otherwise appropriated.

§ 2. This act to take effect from and after its passage.

Approved April 9, 1873.

CHAPTER 730.

AN ACT to amend the charter of the Eastern Kentucky Railway Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the charter of the Eastern Kentucky Railway Company be so amended and their corporate privileges so.

1873. enlarged as that they are hereby authorized to extend their line of railway from the town of Paintsville, in Johnson county, through the counties of Johnson, Floyd, and Pike, to the State line of Virginia, by such route as they may select, for a connection with the Tennessee and Virginia Railroad; and also to extend their line of railway through the counties of Johnson, Martin, and Pike, to the State line of West Virginia, in the direction of Wytheville, in Virginia; and also to extend their said line of railway through the counties of Johnson, Lawrence, and Boyd, to the Ohio river.

§ 2. In any extension of said railway under the provisions of this act, the said company, in the acquisition of the right of way, depot grounds, and other property allowed to be acquired under their present charter, shall be governed by the existing charter of said company.

§ 3. This act shall take effect from its passage.

Approved April 9, 1873.

CHAPTER 731.

AN ACT to amend the charter of the City of Covington.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(City council to
levy taxes.

§ 1. That the city council shall have power, by ordinance, annually, to levy and cause to be collected, and paid into the city treasury, a capitation tax of two dollars upon each male inhabitant of said city, who is twenty-one years of age and over, and an ad valorem tax on the real estate in said city, and on such personal estate, choses in action, and moneys within the city, or belonging to the inhabitants thereof, as said city council may designate, and as may be, or, from time to time, may be taxable by the laws of this Commonwealth, not exceeding one hundred cents upon each one hundred dollars of the valuation for the general fund; seventy-five cents to pay interest on the bonded debt; twenty-five cents for the sinking fund; and twenty-five cents for the school fund: *Provided*, That churches, school-houses, colleges, and the grounds attached thereto, and dedicated solely for the use thereof, cemeteries, raw material held by manufacturers for the purpose of being manufactured in the city, machinery in manufactories, and manufactures therein unsold for twelve months, shall be exempt from taxation.

How funds so
raised to be dis-
posed of.

Funds so speci-
fied to be kept
separate.

§ 2. Each of said funds shall be kept separate, and preserved for the specific purpose of their creation; and in no event shall they, or any of them, be used for any other

purpose, except that any surplus of the interest fund remaining at the end of any year shall be transferred to the sinking fund. The sinking fund shall be used exclusively for the redemption of the bonded debt of the city, and as actively as practicable.

1873.

§ 3. The proceeds of all special taxes shall be sacredly applied to the purposes for which they are levied, and not otherwise; and if the council shall appropriate or use any portion of any of the special funds for any other purpose than that for which they are set apart, except the interest fund, as provided above, such act shall be void as against the city; but the members of council voting therefor, or who being present shall fail to record their votes against such ordinance or misappropriation, shall be jointly and severally liable to the city for the amount so used or appropriated.

Said funds to be alone used for purpose for which raised.

§ 4. No tax shall be levied upon the bonds of the city of Covington for city purposes.

City bonds to be exempt from tax.

§ 5. All tracts of land within the corporate limits of said city not laid off into squares and lots shall be assessed for taxation by the acre or fraction of an acre: *Provided, however,* That all lands which are inclosed and used for farming purposes, and are without the benefits of streets, gas, water, police, and other advantages incidental to the city of Covington, shall be exempt from the provisions of this section.

Lands not laid off in lots to be taxed by acre.

§ 6. That all acts or parts of acts that conflict with the provisions of this act, be, and the same are hereby, repealed.

§ 7. This act shall take effect from its passage.

Approved April 9, 1873.

CHAPTER 732.

AN ACT for the benefit of Charles K. Oldham, sheriff of Madison county.

WHEREAS, On account of the prevalence of small-pox in Madison county, and sickness in the family of the sheriff of said county, he has been unable to collect all the revenue of 1872; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Chas. K. Oldham, sheriff of Madison county, be allowed further time until the 20th day of June, 1873, without being charged with any additional per cent., to collect and pay into the Treasury of the State the balance of the revenue tax of said county for the year 1872: *Provided,* The securities of the said Charles K. Oldham shall appear in the county court of said county, and have en-

1873. tered on the records of said court their assent to the extension of time given in this act.

§ 2. That Charles K. Oldham, as sheriff of Madison county aforesaid, have further time until the 1st day of August, 1873, to return his delinquent list of revenue tax for the year 1872.

§ 3. This act shall take effect from its passage.

Approved April 9, 1873.

CHAPTER 733.

AN ACT to prohibit the sale of intoxicating liquors at Cropper's Depot, in Shelby county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Unlawful to sell
liquors at said de-
pot.

§ 1. That it shall be unlawful, after this act takes effect, for the county court of Shelby county to grant a license to any person or persons to sell by retail any brandy, whisky, or intoxicating liquors, or a mixture thereof, at Cropper's Depot, or within one and one half mile thereof, in the county of Shelby.

Penalty.

§ 2. That any person or persons selling such liquors shall be deemed guilty of keeping a tippling-house, and punished for the same as now prescribed by law.

Act to be sub-
mitted to people.

§ 3. That this act shall take effect whenever it shall be ratified by a majority of the legally qualified white voters residing at said depot, and within one and one half miles thereof; and a poll shall be opened at said depot on the second Saturday in May, 1873, for its adoption or rejection. W. G. Williams and T. W. Smith shall be the judges at said election, who shall appoint a clerk; and in case of a disagreement, the clerk shall have the casting vote.

Sheriff to act at
said election.

§ 4. It shall be the duty of the sheriff of Shelby county to attend said election; and shall have power to fill vacancies, if any occur, in the offices of judge or clerk of said election.

Duties of officers
of election.

§ 5. The judges shall superintend said election, determine the legality of all the votes offered, see that they are properly recorded, certify the poll-book over their signatures, and deliver the same to the sheriff, who shall deliver the same to the clerk of the Shelby county court, to be filed in his office for safe-keeping.

Approved April 9, 1873.

CHAPTER 735.

1873.

AN ACT to prevent live stock of all kinds from running at large in Mason and Fleming counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter it shall not be lawful for any person having the custody or control, or being the owner of, any kind of live stock, to permit the same to run at large upon any of the public or turnpike roads in Mason and Fleming counties; any person so offending shall be fined, upon conviction thereof, in any sum not less than ten nor more than fifty dollars, which may be recovered before any justice of the peace, or by indictment of a grand jury in the circuit court, and be liable in double the amount of damages suffered by or from such stock, recoverable by the party injured, in any court of competent jurisdiction; and such live stock found so running at large may be treated as estrays, in accordance with the laws of this State in relation thereto.

Unlawful for stock to run at large on turnpikes.

Penalty.

§ 2. Before this act shall take effect and be in force, it shall be the duty of the county court of said counties, upon the application of not less than ten bona fide housekeepers resident in the county, by petition setting forth the name of any turnpike or other road, and upon notice of the application in writing, posted up at the court-house door of the county, and at three of the most public places on the turnpike road or roads, and any of the other public roads in or running through said counties, ten days before the hearing of such petition, to order all persons to keep their stock of all kinds off of, and from running at large on, any of the roads so named in such notice or petition; any person along the line of any of the roads named in such notice or petition may appear and resist such application, and the court may make such order or orders in its discretion upon the hearing. If the county court shall decide to make the order or orders asked for by the petitioners, they shall be entered of record on the order-book of the court, and certified copies thereof shall be posted at not less than three of the most public places along such road or roads.

Petition to be made to court to make act effective.

Rights of parties to resist act.

§ 3. This act shall take effect from and after its passage.

Approved April 9, 1873.

1873.

CHAPTER 737.

AN ACT to amend section sixteen of an act, entitled "An act to amend an act to incorporate the town of Smith's Grove."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section sixteen of an act, entitled "An act to amend an act to incorporate the town of Smith's Grove," be, and the same is hereby, amended by striking out the latter part of said section, which reads as follows: "and no license shall be granted whereby spirituous liquors or wines may be retailed, except to tavern-keepers, upon the payment of fifty dollars, at least."

§ 2. This act shall be in force from its passage.

Approved April 9, 1873.

CHAPTER 738.

AN ACT for the benefit of school district No. 28, in Clinton county.

WHEREAS, The trustees of school district No. 28, Clinton county, employed W. W. Hicks to teach the school in said district for the school term in year ending June 30, 1873, he not having obtained a certificate; and whereas, said trustees have expressed their entire satisfaction with the school taught by said Hicks, and desire the money due said district paid to the said teacher; therefore.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Superintendent of Public Instruction is hereby authorized to draw his warrant upon the Auditor for the money due said district in favor of the county commissioner, to be paid by him to W. W. Hicks.

§ 2. This act shall take effect from its passage.

Approved April 9, 1873.

CHAPTER 740.

AN ACT to require the clerk of the Wolfe circuit court to index and cross-index certain judgment and order-books in his office.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the circuit court clerk of the county of Wolfe be, and he is hereby, directed to index and cross-index such judgment and order-books in his office as may be directed or that has been directed by the judge of the Wolfe circuit court to be cross-indexed; and when such work shall be completed and approved by the court, said

clerk shall be entitled to a reasonable compensation for his services, to be allowed and paid out of the county levy of said county, not exceeding one hundred and fifty dollars.

1873.

§ 2. This act shall take effect from its passage.

Approved April 9, 1873.

CHAPTER 741.

AN ACT to provide for the leasing of the interest of the State in the Louisville and Nashville Turnpike Road, on the north side of Barren river, in the county of Warren.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Sinking Fund Commissioners of the State of Kentucky be, and they are hereby, authorized and required to lease, for a term of twenty-five years, the stock and interest owned by the State of Kentucky in that part of the turnpike road leading from Louisville to Nashville, on the north side of Barren river, in the county of Warren, at public action, in the city of Bowling Green, to the highest and best bidder, first publishing the time and place and terms of said leasing at least twenty days in the newspapers published in said city.

State sinking fund commissioners to lease part of road.

§ 2. And said Sinking Fund Commissioners shall take bond from the lessee or lessees of said interest, with good surety, for the payment of such sum as said interest may bring, at such time as may be determined upon by said Commissioners, to be made known at the time said interest is leased.

Bond to be taken from lessee.

§ 3. The lessee or lessees shall be entitled to have and enjoy all the rights, benefits, and franchises enjoyed by the State under the original charter and the amended charters of said road ; and when said road, or as much as five miles of the same have been put in good traveling condition, they shall have the right to erect a gate or gates, not less than five miles apart, and charge tolls thereon as provided in chapter 103 of the Revised Statutes, entitled " Turnpike and Plank Roads."

Rights of lessee.

§ 4. The lessees shall not be required to keep up and work the summer or dirt road by the side of the pike, as provided in the original charter or amendments thereto.

§ 5. Said lessees shall be entitled to collect and receive tolls upon said road, without being liable to pay any part thereof to any individual stockholder, until the amount of tolls received shall equal the amount of money said lessees shall have expended in repairing and keeping up said road.

§ 6. This act shall be in full force from and after its passage.

Approved April 9, 1873.

1873.

CHAPTER 742.

AN ACT to amend an act, entitled "An act to incorporate the Central West Kentucky Agricultural and Mechanical Association, in Graves county," approved February 25, 1860.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the second section of the act to which this is amendatory shall be amended by inserting, in the fifteenth line of said section, the word "vice president," immediately after the word "president," so that said line shall read thus: "the election of a president, vice president, and four directors of said association."

§ 2. That the fourth section of same act shall be amended as follows: commencing in the thirteenth line of said section, instead of reading: "and a majority of the directors of the association, together with the president, shall constitute a quorum for the transaction of business," it shall read thus: "the president or vice president and two of the directors shall constitute a quorum for the transaction of business."

Property exempt from taxation. § 3. That the grounds, improvements, appurtenances, and assets of said association shall be free from State or county taxation.

Association to license shows, & they shall not be liable for any other license tax. § 4. That said association shall have the right to permit any show, menagerie, circus, or theatrical performance to exhibit upon their grounds, during the continuance of any fair held by said association, free from State taxation and license as required by the statutes; and the keeper or owner of any itinerant or other menagerie, circus, or theatrical performance shall be fully protected from prosecutions for failing to obtain license as now required by law: *Provided*, Such keeper or owner has a license from the board of directors of said association.

Powers of police association. § 5. That said association shall have the full power to appoint, and remove at pleasure, a chief of police, and such assistants as they may deem necessary, in order to preserve the peace and enforce the by-laws, rules and regulations of the association, during the progress of any fair held by them; and such policemen, after first being sworn by some authorized person faithfully to discharge their said duties, shall be vested with full powers as peace officers to make arrests, summon posse, &c., as is by law vested in sheriffs and constables, and subject to like penalties during their continuance as such police: *Provided*, That the police provided for in this section shall execute bond, in the county court, with good surety, to be approved by said court, with similar provisions as bond required of other like officers, upon which he or they shall be responsible for any injury wrongfully done to the person or property of any one.

Police to give bond.

§ 6. All fines recovered for violations of law upon the grounds during any fair held by said association shall be paid into the hands of the treasurer by the collecting officer, or the party so fined, and shall inure to the use and benefit of the association.

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Fines to inure to benefit of association.

§ 7. This act to take effect from its passage.

Approved April 9, 1873.

CHAPTER 743.

AN ACT to legalize the official actions of William W. White, deputy clerk of the Clay circuit court.

WHEREAS, William W. White was appointed and qualified as deputy for James W. Smith, clerk of the Clay circuit court; and the said James W. Smith afterwards became a non-resident of this State, said White continuing for some time to discharge the duties of the office in the absence of Smith; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all acts of the said William W. White, as deputy clerk aforesaid, and all orders pertaining to the duties of said office, which would be valid and binding if said James W. Smith had continued a resident of this State, be, and the same are hereby, legalized and made valid to all intents and purposes, and to the same extent as if made in conformity with law.

§ 2. This act shall take effect from its passage.

Approved April 9, 1873.

CHAPTER 744.

AN ACT to amend the charter of the Lexington and Winchester Turnpike Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the Lexington and Winchester Turnpike Road Company be, and the same is hereby, so amended as to authorize the stockholders of said road to elect, at their next annual election, a president and four directors, in place of a president and ten directors, as heretofore authorized by the charter of said company.

§ 2. That the president and directors authorized by this act shall have all the rights and powers given in the original charter to the president and ten directors.

§ 3. This act shall take effect from its passage.

Approved April 11, 1873.

1873.

CHAPTER 745.

AN ACT to amend an act, entitled "An act to amend and reduce into one the acts in regard to the town of Columbia."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Trustees to re-
vise ordinances.

§ 1. That it shall be the duty of the trustees of said town to cause all the ordinances and by-laws of said town to be revised and arranged, so as to have but one ordinance or by-law on any one subject; said ordinances and by-laws, when so revised, arranged, amended, and modified, shall, together with this act and the act to which this is an amendment, be recorded in a book to be provided for that purpose, which book shall be carefully preserved by the clerk of said board of trustees; and such ordinances, when so revised and recorded, shall be signed by the chairman of the board and attested by the clerk. And the same shall be advertised as now required by law for the publication of the ordinances and by-laws of said town, or by publication in the Columbia Spectator. They shall cause a good and full index to be made to said book, so that any ordinance may be readily found, and said book shall at all times be open to inspection.

Publication to
be made.

May suspend or
remove marshal
for improper con-
duct.

§ 2. That it may be lawful for the trustees of said town to suspend the marshal of said town for a period not longer than sixty days for drunkenness, or such immorality or vicious conduct as is incompatible with his duties as a public officer, or which disqualifies him from discharging his duties as marshal, or for a violation of the provisions of this act or the act to which it is an amendment. He shall have at least five days' notice of the time and place of making the motion for his removal, and shall be permitted to be heard by himself and counsel.

Qualifications of
marshal & police
judge.

§ 3. That it is hereby declared to be the meaning and intention of the act to which this is an amendment, so far as said act fixes the qualifications of police judge and marshal, that no person shall be eligible to the office of either police judge or marshal unless he be a citizen of the United States over the age of twenty-one years, and shall have been a bona fide resident of said town for one year next preceding his election.

Power of trustees
to license liquor
selling.

§ 4. That the board of trustees of said town shall not grant any license to vend any spirituous, malt, or vinous liquors for a longer term than that for which such board was elected; that all licenses granted by the board of trustees to vend any spirituous, malt, or vinous liquors shall expire with the expiration of the term for which the trustees who granted such licenses were elected; nor shall any such license be granted until the tax required to be paid therefor shall have been paid to the treasurer.

1873.

§ 5. That it shall be the duty of the marshal and police judge of said town to report to the board of trustees once in each month all moneys collected by them during the month, from whom collected, the date of the collection, and on what account the same was collected; and said marshal and police judge shall pay the same over to the treasurer. It shall be the duty of all magistrates or peace officers who may collect or receive any fine, forfeiture, or amercement, which by the provisions of the act to which this is an amendment is required to be paid into the treasury of said town, to report the same to said board of trustees within one month from the time the same is collected, together with the name of the persons from whom collected, and on what account collected, and shall pay the same over to the treasurer. Any officer who shall fail to comply with the provisions of this section may be fined by said board of trustees in any sum not exceeding sixteen dollars, and shall also be liable on his bond for the money collected by him, and thirty per centum damages thereon.

Marshal and police judge to report moneys collected monthly.

Penalty for failure to report.

§ 6. It shall be the duty of the treasurer of said town on the first day of January, April, July, and October, in each year, to make a statement of all moneys received and paid out by him for the quarter next preceding said report, in which he shall exhibit from whom moneys were received, the amount received in each case, and on what account, and also to whom moneys were paid, how much in each case, and on what account. Copies of this report shall be posted at three of the most public places in said town, at the time of making the same. If the treasurer shall fail to comply with the requirements of this act, he shall for each failure be fined by said board of trustees in any sum not exceeding fifty dollars.

Treasurer to make quarterly reports.

Penalty for failure to report.

§ 7. Nothing in this act, or the act to which this is an amendment, shall be so construed so as to prevent a member of the board of trustees from acting as clerk and treasurer of such board; but in case he so acts, he shall have no voice in any matter connected with himself, or with the office of clerk and treasurer whilst so acting. The bond required by the act to which this is an amendment, to be executed by the several officers named in said act, shall be recorded upon the journal of the board of trustees as soon as it is executed, and has been approved as required by the act specified. The original bond in each case shall be filed and preserved among the papers of said board of trustees.

Trustee may be clerk and treasurer.

Bonds to be recorded.

§ 8. That it shall be the duty of the clerk and treasurer to pay over, on the order of the board of trustees, any money in his hands, and upon his failure so to do, he and his sureties shall be liable on his bond to said board of trustees, or to the person to whom they may order the

Duties of clerk and treasurer.

1873. same to be paid, for the amount so ordered to be paid, and twenty per cent. damages thereon. It shall be the duty of the treasurer and clerk, when his successor is elected and qualified, to surrender to him all books and papers belonging to said board, and to pay over to said successor all moneys in his hands belonging to said town, and upon his failure so to do, he and his sureties shall be liable on his bond for the amount in his hands, and thirty per cent. damages thereon.

§ 9. This act shall be in force from and after its passage.

Approved April 12, 1873.

CHAPTER 747.

AN ACT to define and enlarge the boundaries of the town of Ashland.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the boundary of the town of Ashland shall be as follows, viz: beginning at the Ohio river, on the line dividing the lands of the Kentucky Iron, Coal, and Manufacturing Company, and the lands of S. & E. Ward; thence with said line southerly, crossing the hill, to the line of said company and Hiram Ferguson; thence southeasterly with lines dividing the lands of said company from lands of said Ferguson, Bartley Monigan, and Geiger & Ferguson, to the corner of lands of Peter Smith and John Means; thence with the lines of Smith's lands, including the same, to the westerly line of Fourth street extended; thence with the line of Fourth street extended southwesterly, to the south side of the Back road; thence southeasterly with the south side of said road, to the easterly line of Broadway street extended; thence a southerly course to the intersection of the "Clinton Road" with "Means' Road," near corner of the cemetery lands; thence north 28 degrees east, to the Ohio river; thence down the same to the beginning.

§ 2. That section thirty-one of an act, entitled "An act to amend and reduce into one the acts in relation to the town of Ashland," approved March 1st, 1869, is hereby repealed.

§ 3. This act shall take effect from its passage.

Approved April 11, 1873.

CHAPTER 748.

1873.

AN ACT to incorporate the town of Pryorsburg, in Graves county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the town of Pryorsburg, in Graves county, is hereby incorporated, and its municipal affairs shall be vested in three trustees, who shall be elected annually, on the first Monday in June, by the legally qualified voters of said town; the said trustees, and their successors in office, shall hold their offices for one year, and until their successors are elected and qualified; and they shall be a body-politic and corporate, known by the name and style of the Trustees of the Town of Pryorsburg; and by that name shall be capable of contracting and being contracted with, suing and being sued, in all the courts of this Commonwealth; and before entering upon their duties they shall each take an oath before a justice of the peace that they will faithfully discharge the duties of their office.

When trustees
to be elected.

Name and style.

Trustees to take
oath.

§ 2. The first election of trustees under this act shall take place on the first Monday in June, 1873; and the Graves county court shall appoint three of the qualified voters of said town to hold said election.

When first elec-
tion to be held.

§ 3. The boundary limits of said corporation shall include a square of a half mile, the depot house, in said town, being the centre of said boundary.

Boundary.

§ 4. On the first Monday in August, 1873, the trustees elected under this act may proceed to hold an election for police judge and a town marshal.

Trustees to elect
police judge and
marshal.

§ 5. Said trustees shall have power to levy a tax of not more than one dollar on each poll within its corporate limits, and a tax of not more than twenty-five cents on each one hundred dollars' worth of property in said town subject to taxation; and all forfeitures and taxes collected under the laws of said town shall be paid into the treasury of said town, to be used by the trustees for the public good thereof.

Trustees to levy
tax.

§ 6. The police judge of said town and town marshal shall respectively have the same jurisdiction of a justice of the peace and constable, and shall execute bond in the Graves county court, as is required of justices of peace and constables of this Commonwealth, and shall hold their offices for the same term; and before entering upon the duties of their respective offices shall take an oath faithfully to perform the duties thereof. They shall be allowed the same fees as is now allowed justices of the peace and constables, and shall, in all respects, be subject to the same penalties for a failure to perform their duties as justices and constables are.

Police judge and
marshal to give
bond, and their
powers, duties, &
fees.

§ 7. The trustees shall certify the election of said police judge to the county court, who shall certify the same to

1873. the Governor, whose duty it shall be to give said police judge a commission.

Term of office
of judge and mar-
shal.

§ 8. The police judge shall be elected every four years on the first Monday in August, and the marshal every two years on the first Monday in August.

Vacancies in
board of trustees
—how filled.

§ 9. Should a vacancy occur in the office of trustee, the remaining ones shall elect another to fill the vacancy. They shall elect a chairman, who shall have the power to call the trustees together when he may think necessary, for the transaction of such business as may regularly come before them, a majority of whom may constitute a board.

§ 10. This act to take effect from and after its passage.

Approved April 11, 1873.

CHAPTER 749.

AN ACT for the benefit of William Cook's heirs.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for Otis Cook and Ella Lee Cook to make and execute deeds of partition and receipts in the matter of the settlement and partition of the estate of William Cook, deceased, lately of the county of Hickman, of whom the two persons above named are infant children

§ 2. This act to take effect from its passage.

Approved April 11, 1873.

CHAPTER 750.

AN ACT to amend an act, entitled "An act for the benefit of S. W. Thompson and his sureties, late clerk of the Scott county court."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section one of "An act for the benefit of S. W. Thompson and his sureties, late clerk of the Scott county court," be so amended as to substitute "Franklin" where the word "Woodford" occurs.

§ 2. This act to take effect from its passage.

Approved April 11, 1873.

CHAPTER 753.

1873.

AN ACT to incorporate the town of Peak's Mill, in Franklin county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby incorporated the town of Peak's Mill, with corporate limits to the same to be fixed by the trustees of the said town, which shall be recorded in a book to be kept by them, and also recorded in the clerk's office of the Franklin county court; but said limits shall not exceed one quarter mile in any direction from John W. Gaines's mill. Town incorporated.

§ 2. There shall be elected annually on the first Monday in August, by the legally qualified voters, citizens of said town, three trustees for said town, who shall be styled Trustees of the Town of Peak's Mill, with perpetual succession, who, in their corporate name aforesaid, shall have power and capacity to sue and be sued, implead or be impleaded, grant and receive, by their corporate name, and do all other acts as natural persons may do; and as such may make and enforce all needful by-laws and rules for the government and regulation of said town, not inconsistent with the Constitution or laws of the State or of the United States; and they may do and perform all needful acts to promote and carry out the chief object of this corporation, to-wit: the improvement of said town and its good government. One of said trustees to be by them chosen shall be president of the board; but a majority may act. When trustees to be elected—term of office and powers.

§ 3. Said trustees shall have and use a common seal; may purchase and hold lots for a graveyard, church, or school, and provide for the improvement of the same; may have and hold, by purchase or devise, or by gift, land or other property for the benefit of said town.

§ 4. There shall be elected biennially, on the first Monday in August, being the day for a general election for this State, by the legally qualified voters, citizens of said town, a police judge and town marshal, to be styled "Police Judge of Peak's Mill," and "Town Marshal of Peak's Mill;" the police judge to have the same jurisdiction, power, and capacity, entitled to the same fees and emoluments, and subject to the same liabilities and responsibilities, as a justice of the peace for Franklin county, and shall give the same bond as the justices of the peace for said county; the town marshal shall have the same jurisdiction, power, and capacity, be entitled to the same fees, and subject to the same liabilities, duties, and responsibilities, as a constable for Franklin county; the police judge to be commissioned by the Governor of this State; When police judge & marshal shall be elected—their powers and duties.

1873. the town marshal to execute bond in the Franklin county court, with security to be approved by the court, with the same conditions and penalties as the bond of a constable.

Officers to take oath. § 5. All the officers herein mentioned shall be first duly sworn by some court or justice of the peace that they will faithfully discharge the duties of their office before they proceed to act. All resignations of the same shall be to the Franklin county court; and all vacancies in the same, from any cause whatever, shall be filled by said court until the next election; and all officers may continue to act until their successors are qualified. All elections shall be held by a clerk, to be appointed by the board of trustees, who shall certify the same to the Franklin county court; and said court, as to the police judge, shall certify to the Governor of this State.

Officers' names. § 6. Until the time for holding the first election, and until their successors shall qualify, the following shall be the officers of said town: George R. Bacon, police judge; W. W. Graham, town marshal; and S. N. Hodges, C. B. Haydon, and John W. Gaines, trustees.

§ 7. This act shall take effect from and after its passage; but the Legislature reserves the right to change, amend, or repeal the same at any time; but in case of repeal of this charter, all debts due to or from the corporation shall be extinguished, and all property bought by or donated to said corporation, not disposed of, shall revert to the original donor or vendor.

Approved April 11, 1873.

CHAPTER 754.

AN ACT to incorporate the Maysville Chair Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators' names. § 1. That Clarence L. Stanton, Richard H. Stanton, jr., and their associates and successors, are hereby created a body-politic and corporate, with all the rights and powers incident to corporations in the State of Kentucky, to be known as the Maysville Chair Manufacturing Company; in which name they may have perpetual succession, may contract and be contracted with, may sue and be sued, implead and be impleaded, in all courts and places, and in all matters whatsoever as natural persons may or can do.

Name and style. § 2. The business of said corporation shall be the manufacture of chairs of any kind or description; and whenever said corporation may choose to embark in the manufacture of furniture or any other article composed chiefly of wood, they shall have full power to do so; and

Corporate powers.

to enable them to prosecute their said business, they may acquire, hold, use, and employ, and the same to sell, convey, and dispose of, all such real estate, chattels, goods, and effects, as may be necessary, convenient, or by them deemed proper for the transaction of their business, or which may be acquired as security for, or in payment of, any debt or demand due the said company. 1873.

§ 3. The capital stock of said company shall be twenty-five thousand dollars, but may be increased to fifty thousand dollars at the pleasure of the stockholders, the shares to be one hundred dollars each. Capital stock.

§ 4. The officers of said company shall be a president, managing agent, and treasurer, to be elected annually by the stockholders. The managing agent may perform the duties of treasurer and secretary; but no one shall be an officer of the corporation unless he is a stockholder. Officers.

§ 5. That the said company may construct or build any and all such tenements or houses, and erect machinery on any lands they now have or may acquire under the provisions of this act, as they may deem necessary and proper for the carrying on of their business, and may rent or lease any property for that purpose; they may establish any depots or houses for the sale of their products in the State of Kentucky as they may deem proper. Powers of company.

§ 6. Should the company at any time think it necessary or proper, instead of a managing agent, they may, by their by-laws, provide for the election of not less than three directors for the general business management of the company, and of this board the president shall be *ex officio* a member.

§ 7. This act shall take effect from its passage.

Approved April 11, 1873.

CHAPTER 755.

AN ACT to incorporate the Hillsboro and Plummer Landing Turnpike Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company be, and the same is hereby, incorporated, to construct and maintain a turnpike from Hillsboro to Plummer Landing, in Fleming county, under the name and style of "The Hillsboro and Plummer Landing Turnpike Company" Name and style.

§ 2. That the capital stock of the company shall be twenty thousand dollars, to be increased or diminished at the pleasure of the company, and to be divided into shares of fifty dollars each. Capital stock.

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Commissioners' names and powers.

§ 3 That John R. Evans, Wm. D. Evans, David Price, Samuel Plummer, Wm. H. Humphries, Moses Saunders, George Yazel, James M. Plummer, Samuel Phelps, L. C. Cooper, Robert Davis, J. M. McGregor, John H. Crain, and Dr. L. J. Jones, be, and they are hereby, appointed commissioners, whose duty it shall be to open books of subscription to the capital stock of said company, and shall take all necessary steps towards a full organization of the said company according to the provisions of this charter, and to do all things else they may deem necessary to facilitate and promote the objects of this company.

Subscribers' agreement.

§ 4. Any of the above named commissioners may receive subscription of stock to an article of agreement worded substantially as follows: "We, whose names are hereto subscribed, do promise to pay the president and directors of the Hillsboro and Plummer Landing Turnpike Company the sum of fifty dollars for each and every share of stock in said company set opposite our names, in such manner and proportions, and at such time, as shall be by them required under the law incorporating said company.

Notice to be given and election of directors held.

§ 5. That whenever forty or more bona fide shares are obtained to the capital stock of said company, any three or more of the commissioners shall give ten or more days' notice at Hillsboro, Plummer's Mill, and Plummer Landing, of the time and place for the election of a president and five directors from among the stockholders.

Rights of stockholders.

§ 6. That every subscriber to the stock of said company shall be entitled at every election of officers to one vote for each share of stock he or they may have subscribed for said company: *Provided*, That after the first election no stockholder shall be entitled to vote unless he or they shall have paid all moneys at that time due and owing by him or them to the company, on his or their subscription of stock: *Provided further*, That no one be allowed a vote by proxy.

Directors—their term of office.

§ 7. That the president and directors shall remain in office one year, or until their successors shall be elected by the stockholders, who shall have at least ten days' notice of the time and place of election, by notice posted at Hillsboro, Plummer's Mill, and Plummer Landing.

Directors to fill vacancies.

§ 8. That the president and directors shall have power to fill vacancies and appoint a secretary and treasurer until the next annual election.

Directors to control affairs.

§ 9. That after the organization of the company as directed by the foregoing sections, the management and control of the affairs of the company shall be committed to said board of president and directors. They may continue to receive subscriptions of stock; may acquire and

hold such personal and real estate as may be necessary and convenient for the objects of the company ; may sell and convey the same, and do all and every thing else which may be necessary and proper for the construction and repairing of said road ; to fix the rates of toll, not exceeding the rates charged by other similar roads in this county.

§ 10. The said company, through its board of directors, shall have, and may exercise, all the powers, and shall have all the rights and privileges usual, incident, and necessary to the purposes of such a corporation, not inconsistent with the constitution and laws of the United States and of the State of Kentucky.

§ 11. That the construction of this road shall begin at a point on the Hillsboro and Phelps' Mill Turnpike, not exceeding one and a half miles from Hillsboro, and run the nearest and most practicable route, not to exceed four degrees of elevation at any point, to a point south of the bridge at Plummer Landing.

§ 12. This act shall take effect from its passage.

Approved April 11, 1873.

CHAPTER 756.

AN ACT for the benefit of J. B. Evans, of Monroe county.

WHEREAS, It appears from certified copies of the orders of the Monroe circuit court, and from affidavits of witnesses, that, at the April term of said court, 1866, one Barlow Simpson was, by regular inquest, found to be a pauper idiot, and that the usual allowance was made to his committee for his support ; and that the said Barlow Simpson continued to be a helpless pauper idiot, and that J. B. Evans, as his committee, provided for his support and maintenance from September term of Monroe circuit court, 1870, to September term, 1871 ; and that for said year said committee has drawn no allowance from the Treasury of the State, though the claim has been allowed by said circuit court ; and it appearing that the said claim or allowance cannot be legally audited, because there was no inquest held on said idiot for more than five years after said first inquest ; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Auditor of Public Accounts be, and he is, directed to draw his warrant on the Treasurer, in favor of J. B. Evans for maintaining said Barlow Simpson, of Monroe county, during one year, for the sum of fifty

1873. dollars, which shall be paid out of any money in the Treasury not otherwise appropriated.

§ 2. This act shall take effect from its passage.

Approved April 11, 1873.

CHAPTER 757.

AN ACT providing for transcribing the plats, surveys, and certificates of land lying in Magoffin county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

County court to appoint commissioner to transcribe surveys, &c.
 § 1. That the court of claims of Magoffin county, a majority of the justices of the peace and the county judge concurring therein, are hereby empowered and authorized to appoint some suitable person as commissioner to transcribe and record, and make indexes thereto, in a well-bound book, to be provided by said court, all the original plats, surveys, and certificates thereto of lands lying in Magoffin county; and for that purpose such commissioner, appointed by said court, shall have access to and the use of any records containing such plats, surveys, and certificates of lands in Magoffin county.

Commissioner to take oath.
 § 2. The commissioner appointed under this act shall take an oath, before entering on the discharge of his duty herein required, that he will truly and correctly record said plats, surveys, and the certificates thereto, from the originals, as he finds them upon record, and such plats, surveys, and certificates shall be as legal evidence for all purposes as the originals.

Fees of commissioner.
 § 3. The said commissioner shall be paid a fee of not less than fifty cents for such plat, survey, and certificate that he may record. Said fees shall be paid out of the county levy of said county, an allowance for which shall be made by said court on the completion of the work done by said commissioner.

Said book to be returned to county clerk.
 § 4. When the said commissioner shall return his book, containing a copy of the plats, surveys, and certificates, to the county or court of claims of Magoffin county, the county court clerk of said county shall take charge of said book and preserve it, and it shall be part of the archives of his office. The county court clerk, after he receives said book, shall record such plats, surveys, and certificates as may be made after he receives the book of the commissioner, which surveys shall be furnished him by the surveyor of Magoffin county.

§ 5. This act shall take effect from its passage.

Approved April 11, 1873.

CHAPTER 758.

1873.

AN ACT to provide for the payment of conveying prisoners to the House of Reform.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the same compensation now allowed by law for conveying prisoners to the Penitentiary, shall be allowed and paid in the same manner, and under the same regulations, for prisoners hereafter conveyed to the House of Reform for Juvenile Delinquents: *Provided*, That not more than one guard shall be allowed for conveying prisoners to said House of Reform.

§ 2. This act shall be in force and effect from and after its passage.

Approved April 11, 1873.

CHAPTER 759.

AN ACT for the benefit of R. T. McGlauling.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That R. T. McGlauling be, and he is hereby, relieved from the penalties, amounting to \$65 40, prescribed by law for failure to pay taxes on five hundred and twenty-three acres of land in Henderson county, for the year 1871, in the time required by law, which land was listed on the assessor's book in the name of "A. J. Anderson, agent for R. T. McGlauling," and the sheriff of Henderson county is hereby relieved from all responsibility for failure to collect the said penalties.

§ 2. This act to take effect from its passage.

Approved April 11, 1873.

CHAPTER 760.

AN ACT authorizing the counties of Montgomery, Clark, and Bath to sell a part or all of the stock owned by such counties, or either of them.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Montgomery, Clark, and Bath county courts, a majority of the magistrates of each county consenting, be, and they are hereby, authorized to sell a part or all of the stock owned by such counties, or either of them, upon such terms and conditions as may be fixed by order of each court; and the proceeds of such sale may

1873. be applied in such way as a majority of the magistrates of each court may direct.

§ 2. This act shall take effect from its passage.

Approved April 11, 1873.

CHAPTER 761.

AN ACT to incorporate the town of Hickory Grove, in Graves county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

When trustees to be elected.

Name and style.

Trustees to take oath.

Police judge and marshal to be elected.

Qualifications of trustees and voters.

Boundary.

§ 1. That the town of Hickory Grove, in Graves county, is hereby incorporated, and its municipal affairs shall be vested in three trustees, who shall be elected annually on the first Monday in June (commencing on the first Monday in June, 1873), by the qualified voters of said town. The said trustees shall be a body-politic and corporate, known by the name and style of the trustees of the town of Hickory Grove, and shall have all the rights of a natural person; but before entering upon the duties of their office shall take an oath before a justice of peace that they will faithfully perform the same.

§ 2. That on the same day that an election is held for trustees, there may also be held once in every two years an election for police judge and town marshal for said town; and said police judge shall have concurrent jurisdiction with a justice of peace, but his civil jurisdiction shall be confined to the limits of said town.

§ 3. Trustees authorized by this act must reside within the limits of said town; but persons residing out of said limits, and owning property therein, shall be entitled to vote.

§ 4. The boundary limits of said town shall include a square of a half mile, the center of which shall be the depot-house in said town.

§ 5. In all matters not inconsistent with this act, the general law relating to towns, in chapter one hundred of the Revised Statutes of Kentucky, shall apply to the said town of Hickory Grove.

§ 6. This act shall take effect from its passage.

Approved April 11, 1873.

CHAPTER 762.

1873.

AN ACT to establish a school district from parts of Fayette and Madison counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a common school district is hereby established, out of parts of Madison and Fayette counties, so as to include the village of Cleveland, on the Fayette side of the Kentucky river, and Clay's Ferry, on the Madison side of said river; and the boundary of said district shall be as follows: beginning at the mouth of Boon's creek, in Fayette county, and running with that creek to Rogers' mill; thence by way of the residence of J. C Rogers, to the lower end of Rogers' bottom, on the Kentucky river; thence across the Kentucky river to Hines' creek; thence along the brow of the River Hill, on the Madison side, across the Richmond and Lexington Turnpike Road, to Smith's Fork of Calloway creek; thence down the creek to the Kentucky river, and across said river to the beginning.

Boundary of district created.

§ 2. The school-house for said district shall be located at Clay's Ferry, in Madison county, and trustees for said district shall be elected as required by law for other common school districts in this Commonwealth.

Location of school-house.

§ 3. The common school commissioner of Madison county shall report said district, together with its census of pupil children, as belonging to the county in which the school-house is situated; and he shall make report also of the number of school children belonging to this district who are residents of Fayette county, and the number who are residents of Madison county; and the Superintendent of Public Instruction shall pay to the school commissioner of Madison county, out of the fund belonging to Fayette county, the amount due for the number of children reported from Fayette county; and he shall also pay to the said commissioner the amount due for the pupil children who reside in Madison county, and this money shall be used in employing a teacher for said district.

Commissioner of Madison county to report district.

School fund of both counties to be paid pro rata.

§ 4. In every other respect this school district shall be controlled by the common school law of Kentucky.

§ 5. This act shall take effect from its passage.

Approved April 11, 1873.

1873.

CHAPTER 763.

AN ACT to incorporate the Louisville and Highland Turnpike Company, in Jefferson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators' names. § 1. That Daniel Jones, G. T. Bergman, J. M. Bryant, W. Schroe, John Arbegust, David Woods, John Churchman, and Patrick Joyes, and their associates who may become stockholders herein, be, and are hereby, created a body-politic and corporate, with perpetual succession, **Name and style.** under the name and style of the Central and Southwestern Turnpike Company; and in that name may contract and may purchase, hold and convey, such real and personal estate as may be necessary for the objects of said company; may sue and be sued; may have and use a seal, and generally do and perform all such acts as are usual for turnpike companies.

Object. § 2. The object of said corporation is to construct and maintain a turnpike road in Jefferson county from a point in the southern addition of Louisville, at or near the extension of the Third-street road, or the extension of Sixth cross street, and thence with or near the line of the John and Henry Churchill tract to their western line, and along or near their western line, and thence in such general directions as are practicable to a point on the Mann's Lick road, at or near the forks of said road and the Lutheran Church, and thence on to a point near said church, five miles from the beginning, and which shall not be less than fifty feet wide nor more than seventy feet wide, and graded at least thirty-five feet wide, and covered with stone or macadam or gravel at least eleven feet wide.

Capital stock. § 3. The capital stock shall be thirty thousand dollars, divided into shares of one hundred dollars each, which shall be payable in such installments and at such times as the board of directors may direct or call; and if any installment shall remain due for twenty days, the board may collect the same by suit, or may forfeit all payments made for the benefit of the company; and the subscription after forfeiture shall be canceled.

Commissioners to open books. § 4. That the persons named in the first section of this act, or any three of them, shall act as commissioners to open books and receive subscriptions to the stock; and when not less than one hundred shares have been subscribed, they shall call a meeting of the stockholders, published at least three times in one of the Louisville daily papers, to be held at such place as they shall appoint; and then the said stockholders shall proceed and elect six directors of the company to serve until the first Saturday in the next April; and all subsequent elections shall be

Notice to be given and election of directors held.

held on the first Saturday in April, and the term of office shall be one year, and until their successors shall be chosen and qualified. One vote for each share held at the time by the stockholder may be given in person or by proxy.

1873.

§ 5. No one shall vote or be a director in said company who is not a stockholder, and the directors shall elect out of their own number a president, and shall also elect a secretary and treasurer, which said officers shall hold for a term not exceeding the next election of directors, and the election and qualification of their successors; and the said president and directors shall qualify on the day of their elections, or as soon thereafter as may be, by taking an oath before any one authorized by the laws of this State to administer an oath, faithfully to discharge the duties devolving upon them in said offices; and the secretary and treasurer, by executing such a bond as may be required of him or them by the board of directors; and the salaries for the said president and secretary and treasurer shall be fixed for each ensuing year by a vote of the stockholders at said annual election of directors. And said board of directors may adopt such rules and by-laws for their government as they may deem best consistent with the laws of this State, and shall have charge, control, and management of all the affairs and business of the company not given herein specially to the stockholder; and if all of the stock herein authorized is not taken, and if they deem more requisite for the company, they may then reopen the books and receive subscriptions to such amount as they shall consider the company requires; and they may appoint during pleasure and employ such officers, agents, and employees as in their judgment are necessary, and fix their salaries and designate their duties; and any vacancies occurring in any of said offices or board during the term may be filled by the board for the unexpired term.

Directors to elect officers and other powers.

Vacancies—
how filled.

§ 6. The said company may locate its road along and occupy such portions of the county roads and passways along its route as may be deemed advisable; and may acquire land for rights of way, toll-house lots, stone-quarries, gravel-pits, and necessary timber, by purchase or by writs of *ad quod damnum*, and hold the same; and in cases where writs of *ad quod damnum* are necessary, the proceedings shall be had and be governed by the rules and principles established in the seventh section of an act to amend the charter of the Louisville and Salt River Turnpike Company, approved February 17th, 1871.

May locate road and condemn right of way.

§ 7. The said company shall have all of the powers and rights, as to the regulation and government of toll-gate keepers and toll-houses, as are conferred upon the Valley

Shall govern gates and gate-keepers.

1873. Turnpike and Gravel Road Company by the said amendment to the charter of the said Louisville and Salt River Turnpike Company, and shall have all the further rights and powers conferred upon said Valley Turnpike Company by the eleventh and twelfth sections of said amendment.

When gate may be erected and tolls charged.

§ 8. Whenever any continuous two miles and a half of said road shall have been completed, the said company may erect a toll-gate, and may thereafter receive and collect tolls at the same rate for all persons, animals, and vehicles as are now receivable and collectable by the said Valley Turnpike and Gravel Road Company; and such tolls are payable on said rates in proportion to the distance traveled over any part of said road.

To have all rights belonging to turnpike companies.

§ 9. The said company shall have any and all of the rights, powers, immunities, and privileges now had by the said Valley Turnpike and Gravel Road Company, or any other turnpike road in this State, as to enforcements of rights of way, of collections of tolls, of penalties for refusing to pay or evading tolls, and penalties for obstructions of their road, unless specially herein restricted or modified.

§ 10. This act shall take effect from its passage.

Approved April 11, 1873.

CHAPTER 764.

AN ACT to incorporate the Moore and Noland Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Name and style.

§ 1. That a company shall be formed, under the name and style of the "Moore and Noland Turnpike Road Company," for the purpose of making and forming an artificial road, commencing at or near Dick Moore's, of the Stanford and Hustonville road, and running to the Knobs, at or near Hays' dug road, in Lincoln county.

Capital stock.

§ 2. The capital stock of said company may be six thousand dollars (\$6,000), divided into shares of fifty dollars each; and if it be ascertained that this sum is not sufficient to accomplish the object of this act, then the president and directors may enlarge it to such amount as may be necessary, and open subscriptions therefor in such manner as they may think proper.

Books of subscription may be opened.

§ 3. That books for the subscription of stock in said company shall be opened on the third Monday in May, 1873, or as soon thereafter as convenient, and kept open until the capital stock shall be subscribed. The books will be opened in Stanford under the direction of Dick

Moore, George W. Noland, Erastus Read, William Hays, James A. Harris, James Paxton, and James W. Alcorn, who are hereby appointed commissioners. Any two or more of the commissioners may open the books and receive subscription of said stock at the above named place. The subscribers of stock shall enter into an obligation in said books to pay the sum subscribed by each respectively. Notice shall be given in the Stanford paper of the time and place of the opening of said books.

1873.

Commissioners' names.

§ 4. That the county court of Lincoln, a majority of the justices concurring therein, may take stock in said road; and to pay the same may levy a tax on each one hundred dollars' worth of property in said property in said county, subject to taxation, as will be sufficient for that purpose.

County court may take stock.

§ 5. So soon as twenty-five hundred dollars of said stock shall be subscribed, the commissioners may call a meeting of the stockholders and elect a president and four directors, who shall hold their office for one year and comply with all the provisions of the fourth section of an act incorporating the Danville and Hustonville Turnpike Road Company.

When company may organize.

§ 6. That so soon as said road shall be completed the distance of three miles or more, it will be entitled to the benefit of one gate; and the corporation is authorized and empowered to erect a gate on said road, and receive toll at the same at the rate allowed by the Danville and Hustonville turnpike charter, length of the road used to be taken into consideration making out the rates of toll.

When gate may be erected and tolls be charged.

§ 7. That the provisions of the act to incorporate the Danville and Hustonville Turnpike Road Company, approved March 1, 1844, from the fifth to the thirty-fifth sections inclusive, be, and the same are hereby, extended to the "Moore and Noland Turnpike Road Company."

§ 8. This act to take effect from its passage.

Approved April 11, 1873.

CHAPTER 765.

AN ACT to amend an act, entitled "An act to incorporate the Lincoln and Boyle Turnpike Road Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act to incorporate the Lincoln and Boyle Turnpike Road Company," approved February 13th, 1867, be, and the same is, so amended that the president and directors may lay out and construct said road from a point at or near Shelby City, on

1873. the Danville and Hustonville road, to a point at or near Peter Tribble's, on the Danville and Stanford Turnpike Road.

§ 2. This act shall take effect from and after its passage.

Approved April 11, 1873.

CHAPTER 766.

AN ACT to incorporate the Rothrock Coal and Mining Company, of Muhlenburg county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. Hugh D. Rothrock, F. G. Rothrock, Alfred Edwards, and J. J. Rothrock, together with their successors, associates, and assigns, be, and they are hereby, created a body-politic and corporate, by the name and style of the Rothrock Coal and Mining Company; and by that name in law made capable of contracting [and being contracted] with; to have, enjoy, and retain, to themselves and their successors, lands, rents, tenements, and hereditaments, goods, chattels, and effects, as may be necessary for the working of coal and iron mines; and the company may sue and be sued, plead and be impleaded, defend and be defended, in all courts of record and other places; to have a common seal, and alter at pleasure; to put into execution all such by-laws, ordinances, and regulations as shall seem necessary and convenient for the government of said corporation, not being contrary to the Constitution and the laws of this State or of the United States.

§ 2. The capital stock of said company shall be one hundred thousand dollars, in shares of one hundred dollars each.

§ 3. The company may buy coal and coal lands, mining privileges, and buy and erect all kinds of machinery for carrying on their business; and may dispose of their property of any character by sale; they may receive real estate in payment of subscription for stock, as the corporators may deem advisable, at such prices as the parties may agree upon; they shall have the right to hold, either by purchase or otherwise, such real estate, mining rights, as by them may be deemed necessary for the prosecution of their business; and may sell or dispose of any part thereof.

§ 4. The stock of the company shall be deemed personal estate, and may be transferred on the books of the company after it has been fully paid up.

§ 5. The president and directors shall require bond of their treasurer, with such security as they may deem advisable; for failure to pay the stock by any subscriber ninety days after the call shall have been made by the board of directors, the share or shares of said subscriber shall be declared forfeited by said board of directors.

1873.

Directors to require bond of treasurer.

§ 6. Books may be opened for subscription of stock to the company by any of the corporators, but no subscription to be entered on the books of the company, except at the instance of a majority of the corporators; and after the organization and election of a board of directors, no member shall take additional stock in the company, except by consent of two thirds of the stockholders.

Books to be opened for subscription of stock

§ 7. When stock to amount of five thousand dollars shall have been subscribed to the capital stock aforesaid, the corporators shall call a meeting of the subscribers, at which meeting a president and four directors shall be elected, to serve for one year, at the expiration of which time, due notice being given, and annually thereafter, there shall be called a meeting of the stockholders to elect their successors.

When company may organize.

§ 8. It shall be lawful for said company to borrow, or obtain on loan, such sums of money, and on such terms, as they may deem advisable, and may mortgage all or any part of the property of the company to secure the payment of such indebtedness.

May borrow money and secure same by mortgage.

§ 9. This act shall take effect from its passage.

Approved April 11, 1873.

CHAPTER 769.

AN ACT to incorporate the Woolen Manufacturing Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That W. F. Brown, Henry Bosworth, W. G. Whitehead, and B. L. Gains, and their associates, successors, and assigns, are hereby created a body-politic and corporate, under the name and style of the Woolen Manufacturing Company; and by that name shall have perpetual succession, with power to contract and be contracted with, sue and be sued, in all courts and places; and have and use a common seal, and alter and change the same at pleasure; and to make all necessary by-laws and regulations for the government of said company, and the conduct of its business, not inconsistent with the Constitution of this Commonwealth or of the United States, or the laws made in compliance thereof.

Corporators' names.

Name and style.

§ 2. The said company shall have power and is hereby authorized to build and construct, enlarge, repair, rent, or

Corporate powers.

1873. lease a suitable building, and acquire by purchase a sufficient amount of real estate as shall be necessary to successfully carry on the legitimate business for which said company shall be organized, and to sell and dispose of the same.

Capital stock.

§ 3. The capital stock of said company shall be ten thousand dollars, divided into shares of fifty dollars each, and may be subscribed, paid for, and transferred and forfeited for non-payment, in such manner as the said company or its board of managers may, by resolution or by laws, prescribe and determine; when two thousand dollars of stock shall be subscribed, and one thousand dollars paid in, the said company may organize and proceed to business; but no certificate of stock shall be issued until the same shall have been subscribed on books provided for that purpose, and actually paid in; the capital stock may be increased, from time to time, to an aggregate amount not to exceed fifteen thousand dollars, by the consent of a majority in interest of the stockholders; each share of stock shall be entitled to one vote, and may be voted by proxy.

Directors to control affairs.

§ 4. Said company shall have power to manage and control its business by a board of directors or managers, to consist of not more than five or less than three, to be determined by the stockholders, to be elected by them at the principal office of the company at such time, and in such manner, and for such terms, and with such powers, as the said stockholders shall, from time to time, determine; a president elected by the board of directors, and a majority of directors, shall constitute a quorum; and should the president not attend, a majority of stockholders in interest, or a majority of directors, may constitute a quorum: *Provided*, 'Three days' written notice shall have been given; said company may, from time to time, as it may deem proper, make and pay and declare dividends or profits, and distribute net receipts, proceeds of sale, or property of the company, among the stockholders pro rata, according to the amount of stock held by each.

No individual liability of stockholders.

§ 5. The stockholders shall not be individually liable for contracts, liabilities, and debts of said company; but the stock, privileges, rights, and properties held and owned by the company shall be liable therefor.

Principal office—where located.

§ 6. The principal office of said company shall be in the city of Frankfort, but may be removed to any other county in the State by consent in writing of a majority of stockholders in interest.

Company to make report to Auditor.

§ 7. Said company shall, on or before the 31st day of December in each year, report to the Auditor of Public Accounts of this State a statement of its business transactions and the value of its property; but shall not be

required to report to any other officer of this State; but the Auditor shall have the power to require at any time a full and detailed statement of its property and transactions.

1873.

Approved April 11, 1873.

CHAPTER 770.

AN ACT to authorize Mary Boyd to erect cattle-stops across John's creek, in Pike county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Mary Boyd may construct cattle-stops across John's creek, in Pike county. The cattle-stops aforesaid shall be so constructed that when said creek rises to a navigable stage of water, one end of them will float around out of the way of the navigation of said creek and not obstruct it; they shall not exceed three in number, and must be upon the land now occupied by her.

§ 2. This act shall take effect from its passage.

Approved April 11, 1873.

CHAPTER 773.

AN ACT to incorporate the Ohio and Red River Packet Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there shall be, and is hereby, created a corporation, by the name of "The Ohio and Red River Packet Company," with a capital stock of one hundred thousand dollars, to be divided into shares of one hundred dollars each; which corporation shall have perpetual succession, and by its corporate name may sue and be sued, plead and be impleaded, answer and defend, in all courts and places, as a natural person; may have and use a common seal, and alter or renew the same at pleasure; and may make and establish by-laws, rules and regulations, for the efficient conduct of its business, and exercise all and any of the powers of a corporation necessary or proper to carry out the true intent and purpose of its creation.

Name and style
and capital stock.

Corporate powers.

§ 2. That said corporation shall have power and right to transport persons and property to and from the State of Kentucky, along the Ohio, Mississippi, and Red rivers, to the head of navigation, or other point on said rivers, and along such other rivers as may be necessary in the efficient and successful carrying on of commerce and nav-

Object and powers.

1873. igation on said rivers; and may own, buy, construct, repair, charter, hire, sell, and convey steamboats, flats, keels, and other water craft, with all equipments, appendages, and other personal property; and may also acquire, by lease or in fee, any necessary landings, wharves, or other real estate for the purposes of the corporation in its business, and sell and convey the same at pleasure; and do generally whatever is necessary to make efficient the said business of commerce and navigation on said rivers, and may make contracts with shippers to limit or fix its liability as common carrier.

Directors to control affairs. § 3. The property of said corporation, and the power to manage and control its business, shall be vested in a board of nine directors, to be elected by the stockholders on the first Monday in May of each year, after the present year (1873), each share entitling the holder to one vote; and the votes of stockholders may be cast by themselves in person or by proxy, under such regulations, after the first election, as may be prescribed by the by-laws.

Commissioners' names, powers, & duties. § 4. That James L. Haven, W. C. Hamilton, P. P. Lane, H. B. Mudge, Joseph Kinney, Joseph L. Hall, H. Hollister, Fred. F. Brooks, and James M. Chenoweth, are hereby appointed commissioners, who, or a majority of whom, to open books and receive subscriptions of stock in said corporation; and when not less than four hundred shares are taken, and twenty-five dollars on each share so subscribed for paid in cash to said commissioners, they shall, by advertisement for at least fourteen days in one of the daily or weekly papers published in Covington and Newport, call a meeting of the stockholders in Covington to elect a board of directors; and the votes of the stockholders may be given in person or by written proxy; and the nine persons receiving the largest number of votes shall be declared directors, and hold their offices until their successors shall have been duly elected and qualified.

Directors to elect other officers, fix compensation, & take bonds. § 5. After each election of directors, those elected shall choose one of their own number as president of the board, who shall preside at director's meetings, and be the chief officer of the corporation; they shall also appoint all other necessary officers and provide for their compensation, and take all necessary bonds from officers of trust to insure a faithful discharge of their duties.

Qualifications of directors—how vacancies to be filled. § 6. No person shall at any time be voted for or appointed a director who is not at the time a stockholder in said corporation; and vacancies, by death or resignation, in the board between annual elections shall be filled by the board, or a quorum thereof; and a majority of the board in office shall at all times be a quorum for business.

Board to make calls on stock and receive new subscriptions. § 7. The said board shall demand payment of stock subscribed for in such installments and at such times as

they may deem expedient; and if all the stock is not subscribed for before their election, they and their successors may open or keep open the books for subscriptions of stock, or may sell that not subscribed for, for the benefit of the corporation, at not less than par; and may, by rules and by-laws, provide for the forfeiture to the company of any share or shares of stock subscribed for and not fully paid for when required; and may provide for the mode of transferring certificates of stock, which shall be deemed as personal estate and pass as such.

1873.

§ 8. This act shall take effect from and after its passage.

Approved April 11, 1873.

CHAPTER 774.

AN ACT to amend an act, entitled "An act to incorporate the Deposit Bank of Henderson."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section three of an act to incorporate the Deposit Bank of Henderson be so amended that the names of William B. Woodruff, George M. Priest, and John C. Stapp be stricken out, and that the names of James F. Clay, Malcolm Yeaman, and Wm. S. Elam be inserted in lieu thereof; and these last shall be appointed commissioners to act under said section and act, in conjunction with those whose names have not been stricken out.

§ 2. This act to take effect from and after its passage.

Approved April 11, 1873.

CHAPTER 775.

AN ACT to incorporate the Grand Division of Sons of Temperance.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the present members and officers of the Grand Division of Sons of Temperance, of West Kentucky, in the town of Murray, in Calloway county, be, and are hereby, created a body-politic and corporate, by the name of the "Grand Division of Sons of Temperance of Kentucky;" and by that name shall have perpetual succession; and be capable of making contracts, suing and being sued, in any of the courts of this Commonwealth; of acquiring real and personal estate, and holding, using, and disposing of the same, by deed or otherwise, as a natural person, except by will or devise.

Name and style.

Corporate powers.

1873.

May make by-laws, &c.

§ 2. That said officers and members shall have the power to make by-laws, rules and regulations, for the government of said Grand Division, and such subordinate Divisions as may now exist under and by virtue of its charters, on permission, and that may hereafter be chartered and authorized to exist in this State under its charters granted by it.

May grant charters for subordinate lodges.

§ 3. Said Grand Division shall have the exclusive power to grant charter, and authority for the creation and establishment of such subordinate Divisions of Sons of Temperance in this State as it may deem proper, and under such regulations and conditions as may not conflict with the laws of this Commonwealth; and all charters heretofore issued by said Grand Division to subordinate Divisions are hereby legalized, together with all of its acts and by-laws heretofore made, which do not conflict with the laws and Constitutions of this State and the United States.

To have seal.

May organize bank.

§ 4. Said Grand Division shall have and use a seal; and shall also have the right to organize the Deposit Bank of Murray, incorporated by the General Assembly of this Commonwealth, under the following title, viz: "An act to incorporate the Deposit Bank of Murray," and approved March 16th, 1869, in which bank the said Grand Division, or any subordinate Division, or any member of either of them, may take and subscribe to such shares of stock as they may see proper; and make deposits, either with or without interest, as the officers or managers of said bank may prescribe by by-laws, or be agreed on between the parties; and after the organization of said bank, it may be used as a savings bank by the members of said Grand and subordinate Divisions, and establish branches at any city or town in this State, and may be managed for the benefit of said members, or their wives, widows, or children, under such by-laws and regulations as may be established by a majority in interest of the shareholders thereof; and the said act of incorporation of said bank is made a part of this act.

§ 5. This act to take effect from its passage.

Approved April 11, 1873.

CHAPTER 776.

AN ACT to incorporate the Christian Church at Warsaw.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Trustees' names.

§ 1. That Robert Payne, H. P. Clore, John J. Landram, the present trustees of the Christian Church at Warsaw, Kentucky, and their successors in office, and the officers

and members of said church, be, and they are hereby, created a body-corporate and politic, by the name and style of the Christian Church at Warsaw; and by that name to have perpetual succession; and may purchase, take by devise, bequest, gift, or deed, any real or personal estate or property, not exceeding fifty thousand dollars in value, the same to be held for the use and benefit of said church, with power to sell, convey, or dispose of their church property in any manner they may think expedient. And any conveyance made by the trustees of said church to be as valid and binding upon its members as if each one thereof had personally executed the same: *Provided*, The said trustees are first authorized to make said conveyance by a majority of the adult members of said church. This section is to apply to property heretofore sold by said church.

1873.

Name and style.

Corporate powers.

§ 2. That the said body-corporate and politic be, and they are hereby, authorized to contract and be contracted with, sue and be sued, plead and be impleaded, in the name of the "Christian Church at Warsaw," so far as may be necessary to protect the property, rights, titles, privileges, and immunities of said church, and to collect and secure any demands due said church.

§ 3. They are hereby empowered to make and adopt any by-laws they may deem proper to govern the secular and financial concerns of said church, the same only to become effective upon the adoption thereof by a majority of the members present at a regular business meeting: *Provided*, Said laws are not to be in conflict with the Constitution and laws of this State or of the United States. All by-laws adopted must be recorded on the minute-book.

May make by-laws, &c.

§ 4. The said trustees shall continue in office for the term of five years, and until their successors are elected, which shall be done at some regular business meeting by a majority of the members present. In case of a vacancy occurring in the board of trustees at any time, the members of said church shall proceed to fill the same by an election at their first or any subsequent regular business meeting.

Trustees' term of office.

§ 5. That it shall be lawful for said trustees, from time to time, and at all times, to borrow, or obtain upon loan, or upon bonds which may be issued by them, bearing the rate of ten per. cent. per annum, such sums of money as they may deem necessary for the purpose of completing their house of worship and parsonage, and other necessary improvements on the premises.

§ 6. This act shall take effect from its passage.

Approved April 11, 1873.

1873.

CHAPTER 777.

AN ACT to incorporate the Oakland Cemetery Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Trustees' names. § 1. That Alfred Arrasmith, Noah Crouch, and Joseph Brett, trustees of the Oakland Baptist Church, and their successors, be, and they are hereby, constituted a body-

Name and style. corporate, under the name and style of the Oakland Cemetery Company; and by that name they shall have power to contract with, sue and be sued, use a common seal, make all necessary by-laws, rules and regulations, for its government, not inconsistent with law and the provisions hereof, and do such other things as are incident to such a corporation, and necessary to effectuate the object and purpose thereof, which is to provide a suitable and permanent cemetery at the Oakland Baptist Church for the burial of the dead.

Corporate powers. § 2. Said corporation shall have the power to take, acquire, and hold, by purchase, gift, or devise, for the purpose aforesaid, any quantity of land in the county of Gallatin, and adjoining the lot of the Oakland Baptist Church, not exceeding two acres, and receive a conveyance of the same in its corporate name; which land, when so conveyed, shall be held by said corporation for a cemetery, and shall never be alienated or used by said corporation for any other purpose; and said land and its appurtenances shall be forever free and exempt from all taxation, and from all executions, attachments, or other legal process, and from any charge, liability, appropriation, or assessment, to or for any public purpose, inconsistent with its use as a cemetery, for which purpose and use it is hereby forever dedicated.

Plat to be made and recorded. § 3. Said corporation shall cause a plat or plan to be made of the land so acquired by it, dividing the said land into suitable avenues, walks, and burial lots, and designating the said avenues and walks by name, and the said burial lots by numbers, which plat or plan shall be recorded on the books of said corporation and on the records of titles of Gallatin county. After the said land is thus laid off, the corporation shall have power to sell said burial lots in such manner and on such terms as may be prescribed by the board of directors of said corporation, and the proceeds of the sales of said lots to be applied first to pay the purchase price of the lands and inclosing the same, and thereafter to improve, embellish, and adorn the cemetery grounds.

Purchaser of lot to have conveyance. § 4. Each purchaser of a burial lot in said cemetery, upon the production of a receipt in full for the price of the lot purchased by him from the acting treasurer of the corporation, shall be entitled to a conveyance of said lot,

1873.

which conveyance shall be made by a certificate of the board of directors of the corporation, under seal of the corporation, and countersigned by the acting secretary of the corporation, specifying that such purchaser is the owner of such lot or lots, which certificate shall be recorded on the books of the corporation and on the records of title of Gallatin county; and such certificate shall vest the fee-simple right and title in and to such lot or lots in the purchaser, his heirs and assigns forever, exempt and free from all assessments or taxations or executions, attachments, or other legal process, and shall have the same effect for all purposes as deeds duly executed, delivered, and recorded; but said lots shall be held by the purchasers thereof subject to the by-laws, rules and regulations, of the corporation and its board of directors; and said lots shall never be used by said purchasers for any other purpose than that of burial lots; and if applied to any other use, the right and title thereto shall revert to the corporation.

§ 5. The affairs and business of the corporation shall be managed by the three trustees and their successors of the Oakland Baptist Church (provided, should the Oakland Baptist Church ever dissolve and cease thereby to be an organized body, said directors may be elected annually by the lot-owners, at such time as the then existing board may fix upon, and give public notice thereof at least ten days previous to the time of such election), who shall constitute the board of directors. This board of directors shall choose a president out of their number, and they may appoint a secretary and treasurer, who shall give such bond as they may require for the faithful performance of his duties.

Trustees to control affairs.

§ 6. The board of directors shall make such by-laws, rules and regulations, as they may deem proper for calling and conducting their meetings, and for the transaction of their business and duties; they shall have control of all business transactions of said corporation; shall collect and expend for the said corporation, as herein provided, all moneys; shall have complete control of the cemetery grounds and other property; shall have power to inclose, improve, embellish, and adorn the cemetery grounds, and to prescribe rules for inclosing, adorning, and erecting monuments upon the cemetery lots by purchasers; and shall have power to prohibit any use, division, or adornment of a lot which they may deem improper, or may abate or alter the same. The board of directors shall report annually their actions and the condition of the corporation to the Oakland Baptist Church at a regular meeting of the same.

Directors to make by-laws, &c.

1873. § 7. The persons hereinbefore named as incorporators shall constitute the first board of directors of the corporation.

Penalty for violating graves or injuring monuments.

§ 8. If any person shall willfully and without lawful authority violate any of the graves of the dead, or deface or remove any of the tombstones, monuments, or inclosures, or cut, break, or injure any tree, shrub, plant, or other ornament of said cemetery, he shall be deemed guilty of a misdemeanor, and besides being liable to the corporation or to the owner of the lot injured for damages or injury done, he shall be fined not less than ten dollars (\$10) nor more than one hundred dollars (\$100) for each offense, upon conviction in any court having jurisdiction thereof. Power is hereby conferred upon each of the board of directors of this corporation, and upon the superintendent appointed by them to take charge of said cemetery, to arrest without warrant and take before the proper officer and tribunal, to be dealt with according to law, any and all persons found offending against any of the provisions of this section.

May borrow money on bonds.

§ 9. That it shall be lawful for the president and directors of said company, from time to time, and at all times, to borrow or obtain on loan, or upon bonds which may be issued by them, bearing a rate of interest not to exceed ten per cent. per annum, such sums of money as they may deem necessary and expedient for the use of said company; and it shall be the duty of said board of directors, at the time of issuing any such bonds, to provide means for creating a sinking fund adequate to redeem said bonds at maturity.

§ 10. This act shall take effect from its passage.

Approved April 11, 1873.

CHAPTER 778.

AN ACT for the benefit of Browder Institute, in Logan county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall not be lawful for any person or persons to sell spirituous, vinous, or malt liquors within four miles of the Browder Institute, in the county of Logan: *Provided*, That this prohibition shall not apply to any territory embraced in the county of Todd.

§ 2. Any person violating this act shall be subject to all fines and penalties now imposed by law for unlawfully selling or dealing in spirituous or other liquors.

§ 3. This act shall be in force from its passage.

Approved April 11, 1873.

CHAPTER 779.

1873.

AN ACT to amend the charter of the Farmers' Bank of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for the Farmers' Bank of Kentucky, where it has heretofore or shall hereafter withdraw a branch, as now allowed by law, to purchase up an amount, and decrease the stock in any sum not exceeding the amount of the stock withdrawn, or to distribute the amount between the mother bank and branches, as may be deemed best for the interest of the stockholders, or to place the capital withdrawn, or such part thereof as may be deemed proper, in a branch or branches, to be located at a point or points deemed best for the interest of the bank.

Bank may purchase stock of any branch withdrawn, redistribute the same or establish new branches.

§ 2. This act shall take effect from and after its passage.

Approved April 11, 1873.

CHAPTER 780.

AN ACT to amend the charter of and to authorize the city of Mayfield to subscribe and pay for stock in the Cairo and Tennessee River Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the city council of the city of Mayfield be, and it is hereby, authorized to subscribe, in the name of the said city, to the capital stock of the Cairo and Tennessee River Railroad Company as much as thirty thousand dollars.

City council may take stock in said railroad.

§ 2. That in order to pay said subscription said city council is authorized to issue the bonds of said city to said Cairo and Tennessee River Railroad Company, payable at such times and installments as said city council may determine, payable within thirty years from their date, bearing interest at eight per cent., payable annually by coupon certificates.

To pay said subscription bonds may issue.

§ 3. That said stock in said railroad company shall be held by the city of Mayfield, and pledged for the redemption of the principal of said bonds: *Provided*, That any portion of said stock may be sold at any time for such price as the city council may consent to accept, and the proceeds of such sale to be applied towards the payment and extinguishment of the principal of said bonds.

Stock to be held as security for payment of bonds

§ 4. That it shall be the duty of the city council, in each year, at the same time at which the annual levy is made for other purposes, to levy an ad valorem tax upon the property, real and personal, except choses in action

Council to levy tax to pay bonds.

1873. and evidences of debt, by notes and accounts of the property-holders of said city, upon which other taxes are levied for city purposes, for a sum sufficient to pay the interest upon said bonds, and cause the same to be collected by its tax collector; and said city council shall, prior to the maturity of said bonds at the period of making their annual assessments, increase the amount of said special tax sufficient to provide a sinking fund to pay off and extinguish the principal of said bonds at maturity.

May increase annual assessments.

§ 5. To enable the said city council to amply provide for the payment of the principal and interest of said bonds, they are hereby empowered to increase the annual assessments now authorized by the charter of the said city of Mayfield, an amount not exceeding three dollars on each one thousand dollars' worth of the taxable estate in said city, exclusive of the exceptions in the fourth section of this act.

Upon what terms bonds to be issued.

§ 6. The said city council shall not issue the bonds herein provided for until the said Cairo and Tennessee River Railroad Company shall have finished the construction of their railroad on one end of its line to within five miles of the said city of Mayfield; and then only upon the assurance of the president and directors of said railroad company that the proceeds of said bonds shall be applied to the construction of the said Cairo and Tennessee River Railroad, through or near the corporate limits of the said city of Mayfield.

Council may be subjected to mandamus for failing to comply with act.

§ 7. If, after the provisions of the preceding section are complied with, the said council shall fail or refuse to perform any of the duties enjoined upon it under this act, it shall be subject to mandamus or other appropriate remedy at the instance, if for a failure to issue said bonds, of the president of said railroad, if for a failure to perform any of the other duties enjoined by this act, at the instance of any holder or holders of any of said bonds, instituted in the Graves circuit court, to compel a performance thereof, an application for a writ of mandamus, by virtue of this act, shall be, by motion in said circuit court, upon a notice of ten days in writing of such motion, to the presiding officer of said city council.

§ 8. The said bonds shall be signed by the treasurer of said city and countersigned by the presiding officer of said city council.

Boundary of town enlarged.

§ 9. For the purpose of increasing the resources of said city council to raise the means to meet the annual payments of the interest and finally to meet the payment of the principal of said bonds, the boundary limits of said city are hereby extended so as to include a square of one mile, centering on the court-house in said city; and the said city council is hereby authorized to have condemned

lands for the extension of the streets of said city to the limits proposed in this act in the manner prescribed by law for establishing roads.

1873.

§ 10. The street in said city heretofore known as Main-cross street shall hereafter be designated as Broadway street.

Name of street changed.

§ 11. The property embraced within the limits proposed by this act shall be subject to taxation as provided for in this act and in the act to which this is an amendment.

§ 12. All acts and parts of acts in conflict with this act are hereby repealed.

§ 13. This act shall not go into effect until it shall have been ratified by a majority of all the qualified voters living within the proposed limits of said city owning property proposed to be taxed by the provisions of this act, who shall vote at an election to be holden at the court-house in said city of Mayfield, on the first Monday in July, 1873, to take the sense of the citizens thereon, which said election shall not be holden until public notice of the time and place thereof shall have first been given, for at least ten days preceding, by the posting of printed handbills in at least ten conspicuous places in said city; the result of which election shall be entered on the records of the Graves county court by the clerk thereof in open court, which shall be conclusive evidence of the result of said election.

Act to be submitted to people for ratification or rejection.

Approved April 11, 1873.

CHAPTER 781.

AN ACT to incorporate the town of Lynnville, in Graves county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the town of Lynnville, in Graves county, is hereby incorporated.

Town incorporated.

§ 2. The boundary limits of said town of Lynnville shall include a square of a half mile, the centre of which shall be the crossing of the Mayfield and Paris and State roads in said town of Lynnville.

Boundary.

§ 3. That Dr. R. A. Carter, W. H. Hale, and M. C. Smith, be, and they are hereby, appointed trustees of said town, and shall continue in office until the first Monday in June, 1873, and until their successors in office are elected and qualified; and said trustees and their successors in office are hereby created a body-politic and corporate, under the name and style of the "Trustees of the Town of Lynnville;" may contract and be contracted with, sue and be sued, plead and be impleaded, in all courts of this Commonwealth.

Trustees' names and term of office.

Name and style.

1873.

When annual
election to be
held.

Duties of trus-
tees.

Police judge and
marshal—term of
office, jurisdic-
tion, and powers.

Fees.

Marshal to ex-
ecute bond—his
powers and liabil-
ities.

Officers to take
oath.

§ 4. That [the] qualified voters of said town of Lynnville shall, on the first Monday in June, 1873, and at the same time in each year thereafter, meet at a place to be fixed by the trustees of said town, and elect (3) three trustees for said town, who shall hold their office for a term of one year, and until their successors are elected and qualified; that said trustees shall elect one of their number chairman, who shall preside at all the meetings of said board, and sign the record of their proceedings. That the chairman shall have power to call meetings at such time and place as he may designate. Said board shall have power to appoint a clerk to record the proceedings of said board.

§ 5. That on the said 1st Monday in June, 1873, and every two years thereafter, the voters of said town shall elect a police judge and a town marshal, who shall hold their office for a term of years, and until their successors in office are elected and qualified. That said police judge shall have the same jurisdiction in all cases as a justice of the peace, and shall have exclusive jurisdiction of all cases arising under a violation of the by-laws and ordinances of the trustees of said town; and shall receive for their services the same fees as are allowed constables and justices of the peace for like services: *Provided*, There shall be no legal objections urged against his trying the same, and then a change of venue may be had to a justice of the peace.

§ 6. The said town marshal shall, before entering upon the discharge of the duties of his office, execute bond in the Graves county court, with good surety, for the faithful performance of the duties of his office. Any person having a right to do so may sue on said bond in any court having jurisdiction or motion against said marshal before said police judge, and recover judgment against said marshal and his sureties for all moneys collected on executions, attachments, fee-bills, note, account, or other demands placed in his hands for collection; and also all such per cent. or damages allowed by law against constables for failing to pay over money when collected, or to return any execution or other process placed in his hands. Said marshal may perform all the duties that a constable may rightfully perform, and be subject to all the penalties that constables are subject to, for failing to perform his official duty, and may be proceeded against by suit or motion in the same manner.

§ 7. That before any of the officers before named shall enter upon the duties of their respective offices, they shall take the oaths of office prescribed by the constitution and laws of the State.

§ 8. That the election provided for in this act shall be conducted by the trustees and their successors in office, who shall certify the poll-book to the clerk of the Graves county court, who shall compare the same and give certificates of election to the police judge and marshal. The certificate of the election of the police judge shall be certified to the Governor of this Commonwealth, who shall issue a commission to the person thus elected.

1873.

Who shall hold elections and to whom result shall be certified.

§ 9. Persons owning property in said town shall be eligible to vote and hold office in said corporate limits, whether they reside within said limits or not.

Qualifications of voters & officers.

§ 10. This act shall take effect from its passage.

Approved April 13, 1873.

CHAPTER 782.

AN ACT to empower the county court of Mercer county to make subscriptions to capital stock in turnpike roads in Mercer county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That it shall be lawful for the county court of Mercer county, a majority of the justices of said county concurring, to make subscription of stock in turnpike road companies for the construction of such roads within said county: *Provided*, That said subscription shall not exceed fifteen hundred dollars per mile in each road to be constructed.

County court authorized to subscribe stock in turnpikes.

§ 2. That no money to be subscribed by said county court shall be paid over to any turnpike road company, or any person whatever, until each mile of the road subscribed for shall have been completed, or until said court shall be fully satisfied, in open court, that the company constructing the road are fully able to complete it with the aid of such subscription.

When subscription to be paid.

§ 3. That said county court shall have the power, a majority of the justices concurring, to levy an ad valorem tax upon all the taxable property in said county, not exceeding fifty cents (50) upon one hundred dollars, to raise a sum sufficient to pay off and discharge the said subscription of stock; and said tax may be imposed yearly until the debt is fully paid.

Court to levy tax to pay said subscriptions.

§ 4. The said tax shall be collected by the sheriff of said county in the same manner, and for the same compensation, as is now fixed for collecting the State revenue.

Sheriff to collect tax.

§ 5. This act shall take effect from its passage.

Approved April 15, 1873.

1873.

CHAPTER 783.

AN ACT to incorporate the Falls City Club, of the city of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Corporators' names. § 1. That Mitchell Lavaille, J. Ferguson, George B. Eddy, L. S. McHenry, [and] Emile Bourlier, and their associates and assigns, are hereby created a body-politic and corporate, under the name of the Falls City Club of Louisville.

Name and style.

§ 2 That the said corporation by said name may sue and be sued in any of the courts of the Commonwealth ; it may contract and be contracted with in all matters concerning its business as a club ; it may have and use a private seal, and break or alter the same at will ; it may make such constitution and by-laws as may be necessary for its organization under this charter, and for its government, not inconsistent with the Constitution and laws of this State ; and it shall have all the general rights, privileges, and liabilities of incorporated bodies.

Corporate powers.

§ 3. The said corporation may take and hold, by purchase, gift, grant, devise, or bequest, personal and real property to the value of seventy-five thousand dollars ; but the said property shall be used as a club-house, and its appendages and appurtenances, and for the purpose of supporting and carrying on the said corporation alone ; and the said corporation shall not engage in any other business save that of conducting and controlling its club and club-house. This clause, however, shall not be construed into a prohibition of said corporation connecting with and having in its club-house a library, reading-rooms, and billiard tables, [and] other appliances for the use and amusement of its members and guests : *Provided*, The said library, reading rooms, and tables, &c., shall not be thrown open to the public : *And provided further*, The same tax is paid to the State that is assessed on other private billiard tables.

§ 4. This act shall take effect from its passage.

Approved April 15, 1873.

CHAPTER 784.

AN ACT to authorize any constable of Washington county to execute final process from certain courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That at the request of the plaintiff or his attorney, final process on any order or judgment of a circuit or chancery court, or the Court of Appeals, that may be sued

in said courts, shall be directed to any constable of Washington county; that the constable into whose hands any such process shall be placed shall have all the powers in the levy or execution of any such process that sheriffs now by law have in like process; and when they shall sell real estate to convey the same, and misfeasance, nonfeasance, or malfeasance on the execution of the same, or the failure to make the proper return thereof, he and his sureties on his official bond shall be liable to the same extent and manner that sheriffs and their sureties for the like dereliction of duty are now by law liable, in the event of there being no sheriff in Washington county.

§ 2. That this act shall take effect from and after its passage.

Approved April 16, 1873.

1873.

Washington county constables to execute final process in certain cases under usual liabilities of sheriffs.

CHAPTER 785.

AN ACT to incorporate Clay Lodge, No. 1, Knights of Pythias.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That J. W. P. Russell, A. W. Randolph, W. H. Sanders, J. A. Fisher, R. Lambert, D. W. German, and Fred. Baker, and their successors, be, and they are hereby, constituted a body-corporate and politic, by the name and style of Clay Lodge, No. 1, Knights of Pythias, of Louisville, Kentucky; and by that name and style shall have perpetual succession, and shall thereby be capable of contracting and being contracted with, to sue and be sued, to plead and be impleaded, in all courts of law and equity in this Commonwealth; to acquire and hold such real and personal property as may be necessary to carry out the objects of their association, and to sell, convey, and dispose of any real or personal property of which they are now, or of which they may hereafter become possessed, at pleasure: *Provided, however,* That the real estate so held by them shall not exceed thirty thousand dollars in value.

§ 2. The management of affairs of said corporation is hereby vested in J. W. P. Russell, A. W. Randolph, W. H. Sanders, J. A. Fisher, R. Lambert, D. W. German, and Fred. Baker, and their successors in office, as trustees thereof, who, or a majority of whom, shall have power to make all contracts pertaining to the real or personal estate of said association.

§ 3. Said association shall have power to make such by-laws, rules and regulations, for their government as they, from time to time, deem necessary and expedient,

Corporators' names.

Name and style.

Corporate powers.

In whom management of affairs to be placed.

Additional powers.

1873. not inconsistent with the laws of the Grand Lodge of Knights of Pythias of Kentucky, or of the laws of the State; they may have a common seal, and may change or alter the same at pleasure. A majority of the board of trustees shall subscribe to all conveyances of real estate; and service of process on any one of said trustees shall be sufficient notice to said association.

§ 4. The private property of the members of said association shall not be subjected for any indebtedness of said association.

May issue bonds and secure same by mortgage. § 5. They may borrow money and issue bonds therefor, at a rate of interest not to exceed ten per cent. per annum, and secure said bonds by mortgage on their real estate; but the amount of bonds so issued shall be subject to the same limitation imposed on amount of real estate owned and held by said Lodge in section one of this act.

§ 6. This act shall take effect from its passage.

Approved April 16, 1873.

CHAPTER 786.

AN ACT to amend an act, entitled "An act to amend and make into one the several acts relating to the charter and amendments thereto of the town of Mt. Sterling," approved March 18, 1871, and to repeal chapter 262.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Council may fix tax on taverns, &c. § 1. That section six, fourteenth paragraph of said act, be, and the same is hereby, so amended as to authorize said board of council to fix the tax for license of taverns and retailers of spirituous liquors at a sum not exceeding five hundred dollars per annum.

Marshal to settle quarterly. Compensation for ex-officio services. § 2. That section eleven of said act be, and the same is hereby, amended so as to authorize the board of council of said town to require the marshal of said town to settle and account for the taxes and revenue of said town collected by him, once every three months. That said Marshal may be allowed for his ex-officio services a sum not to exceed one thousand dollars per annum, to be paid as allowed by the charter to which this is an amendment.

Qualifications of voters. § 3. That section twenty-seventh of said act be so amended as to read as follows, to-wit: That at all elections held for the election of officers for the town of Mt. Sterling, the voters of said town shall consist of male citizens of said town over the age of twenty-one years, and who have been bona fide citizens thereof twelve months preceding the election, and have paid their capitation tax for the year preceding, and shall exhibit the receipt of the collector of said town for the same, or satisfactorily account to the officers of the election for the loss

of the same; and also of male citizens of the age of twenty-one years, who may reside without the limits of said town but within the limits of the voting precinct in which the town of Mt. Sterling is situated, and who shall be the owners of real estate within the limits of said town subject to taxation under the general law: *Provided, however,* That such persons shall have resided in said precinct for twelve months next preceding the election, and shall have owned said property for the period of sixty days next preceding the election.

1873.

§ 4. That the board of council shall have power to forbid the erection of frame houses within the limits of said town, unless a permit shall be obtained from said board of council; and this subject said board shall have power to regulate by ordinance.

Council may forbid erection of frame buildings in said town.

§ 5. That chapter 262, entitled "An act for the benefit of the marshal of Mt. Sterling," approved February 26, 1873, be, and the same is hereby, repealed.

§ 6. This act shall take effect from and after its passage.

Approved April 16, 1873.

CHAPTER 787.

AN ACT to incorporate the American Industrial College.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Prof. Jos. B. Walker as president, and with him Rev. E. T. Perkins, Andrew Graham, Wm. Cornwall, L. D. Reed, H. Beckhurts, M. Muldoon, A. V. Dupont as trustees, be, and they are hereby, created a body-politic and corporate, under the name and style of the American Industrial College for the Education of Young Men, with perpetual succession; and in that name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered, defending and being defended, in all courts of law and equity; may have a common seal, which they may break, alter, or renew at pleasure; shall have power to adopt, change, and alter such by-laws, rules and regulations, for their government, and for the management and superintendence of said college, as they may, from time to time, deem expedient: *Provided,* The same be not repugnant to the laws and Constitution of the United States and of the Commonwealth of Kentucky: *And provided also,* That the control, government, and discipline shall not be withdrawn from the said Walker as president under twenty years from the pas-

Corporation's name..

Name and style.

Corporate powers.

1873. sage of this act, except by vote of two thirds of the trustees and directors of said college.

§ 2. This college shall be located at such point as may be deemed expedient by the board of directors elected as hereafter provided.

Name and character of schools in said college.

§ 3. The college shall consist of six distinct schools, viz : a school of chemical technology ; a school of design ; a school of finance ; a school of commerce ; a school of mechanical engineering ; and a school of mines. In the school of chemical technology shall be taught the various processes for the manufacture of chemical products which are used in the arts, and which have become articles of commerce by reason of a consumptive demand. In the school of design shall be taught the principles of design, as applied in the arts, such as architecture, ornamentation, &c. In the school of finance shall be taught the statistics and customs of business in regard to the arts, manufactures, and trade, including also the elements of political economy, and methods of preserving statistics and accounts. In the school of commerce shall be taught the history of the chief articles of commerce, with the statistics of the supply and demand in all parts of the world available for commerce. To facilitate instruction in this department, a cabinet of the various articles of merchandise shall be collected and classified for exhibition during the school term. In the school of mechanical engineering shall be taught the principles of mechanics, as applied to the construction of machines, motive powers, &c., including the strength of materials for beams and girders as applied to bridge-building, architecture, and the various forms of machinery. To facilitate instruction in this school, a cabinet of suitable models shall be collected. In the school of mines shall be taught geology as applied to mining, mineralogy, chemical analysis of minerals and metalurgy. To facilitate instruction in this school, a cabinet of fossils and a cabinet of minerals shall be collected, together with suitable chemical apparatus for the analysis of various minerals and working models of the principal furnaces and forges for smelting and forging the various metals used in the arts.

Additional powers.

§ 4. Said corporation may at all times hereafter be capable in law to have, receive, and retain, to them and their successors, property, real and personal ; also devises and bequests of any person or persons, bodies-corporate or politic, capable of making the same, and the same at their pleasure to transfer or dispose of in such manner as they may think proper : *Provided*, That the said corporation shall not hold or possess property, real or personal, exceeding in value the sum of two hundred thousand dollars. Said corporation may also issue and sell scholar-

ship bonds, with coupons attached, bearing a definite rate of interest, not exceeding ten per cent., payable in currency or in tuition.

1873.

§ 5. The said corporation is hereby vested with power and authority to grant certificates, diplomas, medals, and degrees, in conformity with the provisions of its constitution and by-laws, and shall be entitled to all the rights and privileges conferred upon other colleges and universities.

May grant diplomas, &c.

§ 6. Should any of the persons herein named fail to qualify as trustees, then said president of the college, together with the remaining trustees, may elect others to the number of twenty-four, who may then elect a board of directors, to consist of not less than three nor more than nine trustees, including the said president, who shall be a director by virtue of his office.

Upon failure of any corporator to qualify, how vacancies may be filled.

§ 7. The directors are hereby authorized to enact and put in force such rules, by-laws and regulations, for the management of the college, not heretofore provided, as they may consider most expedient, and may repeal the same at will. A majority of the board of directors shall constitute a quorum for the transaction of business, unless said board shall agree upon a different number.

Directors to make by-laws, &c.

§ 8. The directors are hereby authorized and empowered to appoint or elect such officers, professors, teachers, agents, or servants, as may be necessary for the institution, and prescribe their duties, qualifications, and powers. They may take from any person so elected or appointed bonds, in such penalties as may be deemed reasonable and expedient, to secure their respective trusts, and the performance of their respective duties. They are also authorized to prescribe the terms and conditions upon which pupils or students may be admitted into said college; and may remove or expel any pupil or student therefrom for the breach of any of the terms and conditions upon which he was admitted, or for a violation of any of the rules or regulations prescribed by the directors, president, professors, or teachers for maintaining good order, morality, and discipline in said college.

Directors to elect officers, &c.

§ 9. The lands, buildings, and property of the American Industrial College shall be free and exempt from taxation, either State, city, corporation, or county, as long as the same are used for the purposes set out in this charter.

Buildings, &c., to be exempt from taxation.

§ 10. This act shall be in force from its passage.

Approved April 16, 1873.

1873.

CHAPTER 789

AN ACT to exempt certain lands within the corporate limits of the town of Greenup from municipal taxation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all lands held and used as farming lands, and all lands not regularly laid out as town lots, within the corporation of said town, shall be exempt from municipal taxation.

§ 2. That this act shall take effect from its passage.

Approved April 16, 1873.

CHAPTER 790.

AN ACT for the benefit of Joseph W. Winlock.

WHEREAS, Adam S. Winlock, of Logan county, died, leaving a will by which he appointed his only son, Joseph W. Winlock, executor; and whereas, the said Joseph W. Winlock is clerk of the Logan county court, and by reason thereof is disqualified from acting as executor; now, for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the said Joseph W. Winlock be, and he is hereby, authorized and empowered to act as the executor of the last will and testament of his father, Adam S. Winlock, deceased, and all disabilities to his acting as such are hereby removed.

§ 2. A copy of his bond as executor shall be delivered to the clerk of the Logan circuit court, and be by him filed among the papers of his office.

§ 3. This act shall take effect and be in force from its passage.

Approved April 16, 1873.

CHAPTER 791.

AN ACT amending an act, approved January 24, 1871, entitled "An act to amend and reduce into one the several acts in relation to the road law of Greenup county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

County court to appoint only one commissioner and fix his compensation.

§ 1. That hereafter the county court of Greenup county shall only appoint one road commissioner, instead of two, as now required, and for which service they shall allow him a reasonable compensation, not to exceed the amount at present paid to both of said commissioners; and if, for

any cause, the office shall become vacant, either by resignation, failure to give bond, or otherwise, the court may appoint a successor for his term of office, who shall execute the bond required by law.

1873.

§ 2. It shall be the duty of the commissioner or commissioners to give notice to all persons whose fence may be on any part of any public road in said county, to remove the same within four months from the delivery of said notice; and if not removed within that time, the commissioner or commissioners shall cause the same to be removed, and for the reasonable costs of which shall have judgment and execution from any court having jurisdiction of the same.

Commissioner may order fences on roads removed & if owner fails to do so may have same done & recover damages.

§ 3. This act shall have effect from and after its passage.

Approved April 16, 1873.

CHAPTER 792.

AN ACT to provide for the construction and completion of turnpike roads in Scott county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That upon the written application of a majority of the real estate owners, whose property is to be assessed under this act, living along the line of any projected turnpike road in said county of Scott, and within one and a half miles of such road, made to the county court of said county, said court may appoint five commissioners, any three of whom may act, neither of whom shall live nearer than five miles to the road which it is proposed to pike, which said commissioners, when so appointed, shall proceed to ascertain the amount of real and personal property owned by each individual living within one and a half miles of the line of said road, and shall make a full and complete report thereof to said county court.

Upon petition, county court to appoint commissioners to report property on line of proposed road.

§ 2. That upon a report made as provided in section first of this act, the said court shall order an election to be held for the election of seven directors, to be selected from the list of property-holders along the line of said road, as reported by the commissioners under the provisions of the first section of this act; and at such election no one shall be deemed entitled to vote for such directors except the list of property-holders above named.

Court shall order election of directors from property owners.

§ 3. At all elections for directors held under this act, each property-holder shall be entitled to representation in proportion to the amount of property owned by him or her, allowing such property-owner one vote for each one hundred dollars' worth of property as reported by said commissioners for taxation: *Provided*, That any

Pro rata representation of stock

1873. person owning less than one hundred dollars' worth of property, and more than fifty dollars' worth, as shown by said commissioners' report, shall be entitled to one vote at such election for directors.

Qualifications
of directors.

§ 4. No person other than a property-holder along the line of such road, as reported by said commissioners, shall be deemed eligible as a director.

Directors to elect
officers.

§ 5. The said directors, when so elected, shall proceed to select one of their own number as president, and another as treasurer of said company, whose duties, powers, and obligations shall be such as are conferred and imposed by the provisions of the general turnpike laws of this Commonwealth.

When officers are
elected tax to be
assessed on hold-
ers of property.

§ 6. The said commissioners appointed under the first section of this act shall, upon the election of the president and directors of said road as hereinbefore provided, proceed to assess a tax upon all the property reported by them to the said court, as before provided, for the purpose of constructing or completing the turnpike thereon; such tax to be levied in proportion to the benefits to accrue to such property as in the opinion of the said commissioners may be equitable and just; but said tax shall in no case exceed five dollars upon the one hundred dollars' worth of property; and when such assessment is made, it shall be returned by said commissioners to the said county court to be approved by said court.

Treasurer to give
bond and collect
taxes, and his
powers.

§ 7. When the assessment shall have been made, as herein provided, and approved by the county court, the said treasurer shall proceed to collect the same, and for that purpose shall have the powers and privileges conferred upon sheriffs by the laws of this Commonwealth; but before proceeding to collect the said taxes, he shall execute bond for the full amount of the said tax so levied, with good and sufficient security, to be approved by the county court, and conditioned for the faithful performance of his duties; and the said bond shall be filed in the county court clerk's office.

How taxes to be
appropriated.

§ 8. The said president and directors shall have power to appropriate the money arising from the taxes so levied and collected to the construction or completion of the said turnpike road.

May receive
county appropri-
ation, erect gates,
&c.

§ 9. The president and directors shall have power to receive and apply to the construction of said turnpike road such subscription as the county court may see proper to appropriate to said road, and shall be authorized to erect toll-gates upon said road, and collect tolls thereon, as provided for by the general turnpike laws of this State.

County may
make appropri-
ation.

§ 10. The county court is hereby authorized to make appropriations as in the case of other turnpike roads built in said county.

§ 11. Whenever a projected turnpike road, to be built under the provisions of this act, runs parallel to another turnpike road within said county, and within an average distance of less than one and one half miles thereof, the assessment of property, as herein provided, shall not be made for more than one half the distance between said roads.

1873.

Where roads run parallel, assessment line contracted.

§ 12. The election for president and directors of any turnpike road constructed under this act shall take place annually.

Elections to be annual.

§ 13. Certificates shall be issued by the secretary to each person for his or her tax when paid; and upon presentation of such certificates, in sums of not less than fifty dollars, stock in said company shall be delivered by said treasurer.

Secretary to issue certificates of stock.

§ 14. At all elections for president and directors, other than the first one held under this act, each stockholder shall vote one vote for each fifty dollars' worth of stock owned or held by such person.

§ 15. Stock may be voted by proxy; but no person other than a stockholder shall be entitled to vote, except it be when acting as proxy.

§ 16. This act shall take effect from its passage.

Approved April 16, 1873.

CHAPTER 793.

AN ACT to amend and reduce into one the several acts relating to Stanford Female College.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the present trustees of Stanford Female College, to-wit: Jos. McAlister, H. S. Withers, Jas. Paxton, John M. Reid, John Bright, W. R. Carson, John C. Cooper, and J. W. Alcorn, and their successors in office, be, and they are hereby, declared and constituted a body-politic and corporate, to be known by the name of the Trustees of Stanford Female College; and by that name shall have perpetual succession; may contract and be contracted with; may sue and be sued in any court of law or equity; and shall be capable in law of purchasing, acquiring, and holding, to them and their successors, any lands, tenements, goods and chattels of any kind, and money which shall be purchased, given, granted, or devised for the use of said college; and they may sell, dispose of, and convey the same, or charge the same with the payment of the debts of the corporation, according to the by-laws which may be established by a majority of said trustees, which by-laws they may, from time to time,

Trustees' names.

Name and style.

Corporate powers.

1873. establish for the good government of the institution, and the management of its funds and property: *Provided*, The same are consistent with the Constitution and laws of this State and of the United States. Said trustees shall select from among their number a president, secretary, and treasurer, and a majority of the trustees shall constitute a quorum for the transaction of business, and may decide any question, resolution, or appointment, not otherwise provided for in this act; but a majority of the trustees must concur in any contract for the purchase or alienation of property, and in the selection of a principal for the institution.

Trustees to fill vacancies.

§ 2. Upon the occurrence of a vacancy in the office of trustee, principal, or other officer of said institution, the trustees, by majority, shall fill the vacancy.

Trustees of Stanford may make additional subscriptions of stock on certain conditions.

§ 3. That it shall be lawful for the board of trustees of the town of Stanford to make additional subscription to the capital stock of said institution, and said board may donate or transfer to the trustees of said institution a fixed proportion of the money that may be received by said town, during any named term of years, for specific taxes on any licenses, or special privileges therein; and the trustees of said college may, in consideration of such donation or transfer, issue to the town of Stanford one or more free scholarships in said institution, either perpetual, or for a term of years, which shall be held by said board of trustees of Stanford, and by them bestowed, from time to time, free of charge, on meritorious indigent white girls in said town.

Trustees may confer degrees on meritorious scholars.

§ 4. The trustees of Stanford Female College shall have the power to confer upon such of the pupils of said institution as may be recommended by the principal, any or all of the degrees conferred by the best colleges in this State; and in testimony thereof, shall give suitable certificates or diplomas under the seal of the corporation, and subscribed by the principal and the president and secretary of the trustees.

Trustees to fix tuition fees.

§ 6. A majority of the trustees shall have power to fix the tuition fees of the institution, and to do and perform all acts necessary and expedient for the good conduct and management of the institution, and the promotion of its object.

§ 7. This act shall take effect from its passage.

Approved April 16, 1873.

CHAPTER 794.

1873.

AN ACT to incorporate the Immigration Association of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That George Philip Doern, John Sacksteder, Henry Knoefel, William Goepper, William Krippenstapel, Theodore Schwartz, B. E. Cassilly, Chas. Rufer, and their associates, successors, and assigns, are hereby created a body-politic and corporate, under the name and title of the Immigration Association of Kentucky, with powers to sue, be sued, plead, implead, answer, defend, and be defended, in all courts of law and equity; to contract, be contracted with; to have a common seal, and alter and change the same; and all other powers not inconsistent with the objects of this act; and said association may make all by-laws necessary for the regulation of its affairs not inconsistent with the laws of this State and the United States.

Corporators' names.

Name and style.

Corporate powers.

§ 2. The objects of said association are to encourage and aid immigration of foreigners of European birth to the Commonwealth of Kentucky; to assist immigrants in obtaining homes and occupations as laborers, mechanics, or artisans, in the cities, towns, villages, and agricultural, mining, and manufacturing districts of the State of Kentucky.

Object.

§ 3. The capital stock of said association shall not exceed the sum of one million dollars, divided into shares of ten dollars each; and the amount of lands owned by same shall not exceed one million acres; each member shall be the owner of at least one share of stock.

Capital stock.

§ 4. Said association shall be governed by a board of nine directors, who are to be elected annually in the month of May, and shall hold their offices until their successors are elected and qualified; said directors shall elect a president, vice president, secretary, and treasurer out of their number; also an attorney at law, who shall be their legal adviser.

Directors —when elected, powers, and duties.

§ 5. They may employ one or more agents in the seaport cities in the United States; also agents to go to Europe to make known the mineral and agricultural resources of this State; to furnish information to persons desiring to emigrate, and induce honest laborers and mechanics to come to this State, and to assist them in obtaining cheap and safe transportation.

May appoint agents, &c.

§ 6. This association is authorized, if it be deemed advisable, to co-operate or associate itself with any other corporation or society for the accomplishment of the purpose of this act.

May co-operate with other societies.

§ 7. Said association shall have all the power and priv-

1873. illeges set out in an act, entitled "An act to establish the Southern Park Association."

§ 8. This act shall be in force from its passage.

Approved April 16, 1873.

CHAPTER 795.

AN ACT for the benefit of school district No. 59, in Hart county.

WHEREAS, In the year 1870, eleven scholars belonging to district No. 59, Hart county, were not reported by the trustees, through an error as to the boundary of said district; and whereas, said district is a very small one, and needs all the support to which it is justly entitled; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of twenty-two dollars and forty-four cents, the pro rata to which said children would have been entitled, be paid to the trustees of said district, to be used by them in paying a teacher; and the Superintendent of Public Instruction is hereby authorized to draw his warrant upon the Treasurer for the above amount, to be paid out of the bond of Hart county.

§ 2. This act shall take effect from its passage.

Approved April 16, 1873.

CHAPTER 796.

AN ACT to incorporate Valley Lodge, No. 511, A. Y. M., in Jefferson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators' names. § 1. That Robert H. Stonestreet, George W. Miles, and John T. Montgomery, and their successors in office, be, and they are hereby, created a body corporate, under the name and style of the "Valley Lodge, No. 511, of Ancient York Masons," and that the officers and members of said lodge and their successors shall so continue and have perpetual succession; and by the name and style of said lodge as aforesaid they are hereby made capable in law to sue and be sued, plead and be impleaded, to contract and be contracted with, to answer and be answered, in all the courts of this Commonwealth or elsewhere; to make, have, and use a common seal, and to change, alter, or break the same at pleasure of said lodge.

Name and style. Corporate powers.

May acquire real estate and dispose of same. § 2. That said corporation shall have the right to take and hold by purchase, gift, or devise, real and personal

estate, not exceeding in value the sum of twenty thousand dollars, and may dispose of the same at their pleasure. 1873.

§ 3. The business of said corporation shall be under the management and control of its five principal officers, to be elected annually by the members of said corporation, and whose duties shall be such as may be prescribed by a majority of the members thereof. Who shall manage affairs.

§ 4. The members of said corporation shall have power to pass such by-laws, rules and regulations, for the safe-keeping and protection of the property thereof, as may not be inconsistent with the constitution of the United States or of the State of Kentucky. May make by-laws, &c.

§ 5. The General Assembly reserves to itself the right to annul, modify, or repeal this act; but the repeal shall not deprive the parties interested of the property or effects acquired or held under this act.

§ 6. This act to take effect from its passage.

Approved April 16, 1873.

CHAPTER 797.

AN ACT for the benefit of Bethel Academy, in the county of Jessamine.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the board of trustees of Bethel Academy, in Jessamine county, shall have power to lease or sell the property held by them for educational purposes to the trustees of common schools in district No. 1, embracing the town of Nicholasville, in said county.

§ 2. That the proceeds arising from the sale or lease of said academy shall be paid to the common school commissioner by the trustees of said academy; and said commissioner shall pay to the trustees of each district in the county an equal share of said proceeds, to be used in aid of the common school of said district severally.

§ 3. That this act shall take effect from its passage.

Approved April 16, 1873.

CHAPTER 798.

AN ACT to incorporate the Columbia Christian College.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an institution be, and is hereby, incorporated at Columbia, Kentucky, to be known and called by the name of the Columbia Christian College. College incorporated.

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Corporators' names.

Name and style.

Corporate powers.

May issue bonds to erect buildings.

Qualifications of officers.

Powers of stockholders.

§ 2. That Josiah Hunter, Parker C. Hardin, Benjamin Grant, Geo. R. Page, James P. Murray, Jas. T. Page, Geo. M. Caldwell, Thomas C. Winfrey, Geo. S. Field, J. H. Miller, Benjamin Edrington, Jas. L. Johnston, be, and they and their successors in office are hereby, constituted a body politic and corporate, to be known by the name of the "Directors of the Columbia Christian College;" and by that name shall have perpetual succession and existence, and a common seal, which seal they may change or alter at pleasure; and by said name, and in their corporate capacity, may sue and be sued, plead and be impleaded, in all courts of law and equity; may contract, hold, and control all moneys or property which may, at any time, or in anywise, belong to said college, including all transfers, conveyances, endowments, and donations for the benefit of said institution; and may, in the interest of said corporation, at any time they may deem proper, sell, loan, rent, or dispose of any property or moneys belonging to the institution for the employment of professors, tutors, servants, or other agents.

§ 3. That, in order to the erection of suitable buildings for the use of said college, the board of directors may, and are hereby authorized, to issue bonds for such time, and at such rate per cent., as they may deem necessary and proper, not exceeding ten per cent. per annum; the proceeds of said bonds to be spent for lands, buildings, and other necessary fixtures of said college, all of which, with all other moneys or property belonging to the institution, except endowment funds, they may hold subject to a lien for the payment of said bonds; they may also receive subscriptions of stock or donations in aid of the establishment and maintenance of said college, at such times and by such agents as they may direct, in accordance with the customs of other colleges in this Commonwealth, and shall give bond for the restoration of such subscriptions or donations at such times as shall have been agreed to, or within three years after said institution shall have failed to be controlled according to this charter.

§ 4. That the entire board of officers shall be members of the Christian Church, and shall consist of a president, the professors of the institution, the board of directors, two thirds of which must hold membership with the congregation in Columbia, a treasurer, a secretary, and the elders of said congregation, each of which, except the elders, to be elected, in case of any vacancy for any reason whatsoever, by a two thirds vote of all who are entitled to a vote according to section five of this charter.

§ 5. That each regularly elected officer, and any person holding as much as one hundred dollars stock in the endowment fund, shall be entitled to vote, either in person

or by proxy, in the management of the institution; in the election of officers to fill vacancies, provided said vacancies be filled according to section four of said charter; for the suspension of any officer, provided said officer be charged and convicted of incompetency or willful violation of either the terms of this charter or the rules and by-laws of said institution; and for the expulsion of incorrigible students, a two thirds vote being requisite in each case, as well as in making or setting aside any rule or by-law of said college.

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§ 6. That the board of directors shall meet four times in each year for the transaction of business, as follows: once in June, once in August, once in December, and once in April, and at such other times as occasion may require.

When board shall meet.

§ 7. That no action of the board of directors, or any other officers of the institution, except the elders of said church, shall in anywise interfere with the government of said congregation; and that should any officer of said college be excluded from the fellowship of any Christian Church in good standing, said officer shall thereby be disqualified for office in said college, according to section four of this charter.

Said church to have supreme control.

Exclusion from church of officer to work disqualification for office.

§ 8. That in case any officer, agent, or servant shall appropriate any of the funds of the corporation to his or her own private use, or willfully fail to make correct entries, or knowingly make false ones on the books of the institution, with intent to cheat or defraud the corporation, or any other person, the offender shall be guilty of felony, and therefor will be delivered over to the proper authorities of this Commonwealth for punishment.

Penalty for fraud in officers.

§ 9. That said college is hereby authorized to establish such departments as are necessary for the accomplishment of the designs of the corporation, and to confer degrees, diplomas, and honors according to the custom of other colleges of this Commonwealth.

§ 10. That this act [shall] take effect from and after its passage.

Approved April 16, 1873.

CHAPTER 800.

AN ACT to incorporate the Oakland Iron Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That D. D. Geiger, John Means, Hugh Means, W. C. Ireland, L. T. Moore, W. H. Wadsworth, and Mordecai Williams, or any three of them who may act, their associates and successors, are hereby created a body-politic

Corporators' name..

1873.	and corporate, by the name and style of the Oakland Iron Company ; and by that name may sue and be sued, plead and be impleaded, in all matters pertaining to the business and objects of the corporation, and do any and all acts which a corporation incorporated for similar purposes may or can do in fulfillment of its charter, and the objects and ends of its organization ; may have a common seal, which may be changed and altered at the pleasure of the company.
Name and style.	
Corporate powers.	
Object.	§ 2. The objects and purposes of the incorporation of said company shall be the mining for coal, iron ore, and any and all other minerals or mineral substances, or the direct products of the earth, or any and all of them, and the manufacture and refining of any and all of them, and transportation to market of the same.
Location.	§ 3. The location and field of mining and manufacture of said company shall be in Boyd county.
Capital stock.	§ 4. The capital stock of said company shall be one hundred thousand dollars, to be increased by a vote of a majority of the members to any sum not exceeding one million dollars, to be divided into shares of one hundred dollars each, which shall be personal property, and assignable in such manner as may be prescribed by the laws of the company. Mines and mining may be subscribed as a part or whole of said stock, upon such terms as may be agreed upon by the subscribers and the company.
Corporators may receive subscriptions of stock.	§ 5. The corporators hereinbefore named, or any three of them who may act, are authorized to receive subscriptions to the capital stock of the company, and when twenty-five thousand dollars of bona fide subscriptions to said stock shall have been secured, the company may proceed to business in their corporate capacity.
Directors to control affairs, term of office, and duties.	§ 6. The management of the stock, property, and general prudential affairs of said company shall be controlled by a board of not less than three nor more than seven directors, to be chosen for one year by the stockholders ; and every stockholder shall have one vote for each share owned by him, her, or them : <i>Provided</i> , The directors first elected shall hold their office for the remainder of the current year : <i>And provided further</i> , That a president of the board shall also be elected by the directors from among them, or the stockholders, who shall hold his office for the same term with the directors. The president and directors shall be stockholders of the company ; and they may appoint such other officers and agents and employees as they may deem proper ; a majority of the directors shall constitute a quorum.
Records to be kept.	§ 7. The company shall keep a book, which shall be open to the inspection of the stockholders, and each of them at all times, in which shall be kept the names and

amount of stock held and owned by each stockholder, and the amount paid in; also a book in which shall be kept a full and faithful account of the proceedings, elections, rules, and by-laws, and acts of said company, except its accounts and contracts with individuals.

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§ 8. The president and directors may make such by-laws as they may deem proper, prescribing the times, places, and manner of holding elections, the transferring of stock, the time and manner of payment, the duties [of] officers, agents, and employees, their authority and powers, filling vacancies in office, the character, kind, and amount of business, and all such as may be necessary for the proper prudential and effective management of the property and business of the corporation, and the objects and interests of its creation: *Provided*, The same are not repugnant to this act, the Constitution and laws of this State and of the United States.

Board to make
by-laws, &c.

§ 9. Said company shall have power to take, acquire, and hold such lands, mines, and mining rights, as they may deem necessary for the uses of said company, and such personal property, machinery, boats, floats, &c., as may be necessary, and to dispose of, for the use of the company and stockholders, any or all of the same.

Company may
acquire property
& dispose of same.

§ 10. The company shall have power to build and construct one or more wagon roads, tramways, or railways, from and to their mines and lands, and from said mines and lands to any tram or railway now built, or which may hereafter be built, in or through the county of Boyd, or to the Ohio river, at any point between Ashland and Catlettsburg: *Provided*, For the condemnation of the right of way or lands for said purposes, the same proceeding shall be had as prescribed by the Revised Statutes for the condemnation of lands for the use of turnpike and plank roads.

May condemn
right of way for
roads.

§ 11. This act shall take effect from its passage.

Approved April 16, 1873.

CHAPTER 801.

AN ACT to incorporate the Henderson Water-works Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Joseph Adams, E. L. Starling, jr., John C. Stapp, T. M. Jenkins, John H. Barret, David Clark, L. C. Dallam, Ben. Harrison, Jacob Held, sr., F. W. Rentlinger, V. M. May, sr., and their associates and successors, are hereby made and declared a body-corporate, by the name of the Henderson Water-works Company, with power

Corporators'
names.

Name and style.

1873.

Corporate powers.

and authority to contract and be contracted with, sue and be sued; to have and use a common seal and change it at pleasure, and may act without a seal; and to construct and maintain within the city of Henderson, or within any distance convenient or suitable therefor, such reservoirs, pools, aqueducts, mains, pipes, wells, engines, and other machinery, apparatus, and other structures, as may be necessary or useful for the purpose of supplying the city of Henderson and its inhabitants with water.

Capital stock.

May issue bonds and secure same by mortgage.

§ 2. The capital stock of said company shall not be more than two hundred thousand dollars, divided into shares of one hundred dollars each. Said company may issue mortgage bonds, having not more than twenty years to run, bearing not more than ten per cent. interest per annum, payable semi-annually; and may sell said bonds at a discount, and may execute a mortgage or mortgages upon any lands, property, franchises, or water rents belonging to said company to secure said bonds and the interest thereon; but the amount of said mortgage bonds shall not exceed in their par aggregate the sum of one hundred thousand dollars.

Affairs to be controlled by directors—their term of office and duties.

§ 3. The affairs of the company shall be controlled by six directors and a president, all of whom shall be stockholders in the company; and a majority of the directors shall be residents of the city of Henderson. The directors shall be chosen annually, by vote of the stockholders, at such time and place as may be provided by the by-laws of the company. The directors may fill vacancies occurring in their board, and shall choose a president of the company from among the stockholders or directors; and may appoint such officers and agents as the business of the company may require. The directors shall hold their offices until their successors are elected and qualified; and a majority of the directors shall constitute a quorum to transact business. At all elections of directors, or stockholders' meetings, the stockholders may vote in person or by proxy duly authorized in writing; and each share of stock, upon which the regular calls and assessments have been paid, shall be entitled to one vote.

May purchase and dispose of property.

General and specific corporate powers.

§ 4. Said corporation may purchase, take, and hold, in fee-simple or for any less estate, any lands necessary for the objects and purposes of said company, and for the convenient management of the concerns of the corporation; and may acquire the right to lay their pipes and aqueducts through any land where it may be necessary to lay the same; and may erect, establish, and maintain such buildings, machinery, engines, reservoirs, and the like, as may be necessary or convenient for the purposes aforesaid; may purchase, lease, or otherwise acquire the use and control of such springs, brooks, or wells as may

1873.

be necessary or convenient for the purposes of said corporation ; and may take water from the Ohio river, or any other stream or source, for all the purposes of said corporation. If the proprietors of any lands which said corporation may need for any of the purposes aforesaid, or for like purposes, or for the right of way for laying pipes and aqueducts, do not agree with the company upon the price or compensation therefor, or for any reason fail to agree, then the said company shall have the right to acquire such land or lands, or easements or rights, by proceedings under a writ of *ad quod damnum*, in the same manner as is provided by the charter of the Louisville Water Company, approved March 6, 1854, and the acts amendatory thereto.

§ 5. The said company is hereby authorized to collect the water from springs, wells, creeks, the Ohio river, or any other stream or source, into one or more reservoirs, and may lay pipes or aqueducts under or over any railroad, public way, road, or street ; but the same shall be done in such manner as not to obstruct or impede the passage thereon. In laying the pipes or aqueducts across or along any public way, road, or street, and in repairing such pipes or aqueducts, from time to time, said corporation shall not unnecessarily obstruct such public way, road, or street ; and in case of the removal of any earth or pavement in such public way, road, or street, by said company, for purposes of such construction or repair, the said company shall cause such earth or pavement to be replaced or renewed in such manner as to put the public way, road, or street in as good condition as before the removal or excavation.

§ 6. In laying or constructing pipes or aqueducts in the city of Henderson, the same shall be done with especial reference to the furnishing an abundant supply of water for the extinguishment of fires ; and the company shall furnish water to the corporate authorities of the said city for the use of its fire department, and for cleaning streets and other public purposes, upon such terms as may be agreed by said company, through its president and board of directors and the mayor and common council of said city ; and said company shall have the exclusive right, as against any other corporation, to furnish water by pipes, reservoirs, and aqueducts to the inhabitants of the city of Henderson, if the authorities of said city shall agree thereto, and upon such terms and for such time as may be agreed upon.

§ 7. The said company is hereby empowered to sell the privilege of using the water which may be conducted through its pipes or aqueducts to any individual or corpo-

1873. ration ; and said company may make all reasonable rules and regulations as to the manner and the times when such water may be used.

City of Henderson may subscribe for stock, issue bonds to pay for same, & levy tax to meet same.

Question of subscription of stock to be submitted to people.

§ 8. The city of Henderson may subscribe to the capital stock of said company in such amount as the directors may agree to accept, and issue the bonds of the city to pay for the stock so subscribed, the bonds to run not exceeding twenty years, and to bear interest not exceeding ten per cent. per annum, payable semi-annually, and levy and collect a tax sufficient to pay the interest on the bonds, the tax to be levied and collected as the regular annual tax assessed and collected for ordinary city purposes, but this tax shall be in addition to the ordinary revenue : *Provided*, That no such subscription shall be made by the corporate authorities of the city of Henderson until the question of such subscription shall have been first submitted to a vote of the qualified voters of said city, and authorized by the vote of a majority of the voters voting upon said question, at an election held for that purpose, in pursuance of an order of the common council, fixing the time and place of holding such election, and the manner of conducting the same, and the notice to be given thereof.

Penalty for injuring machinery, &c., or corrupting water.

§ 9. If any person shall willfully or maliciously corrupt or make impure any water used by said company, or destroy or injure any pipe, aqueduct, machinery, or other property of said company, such person, and all who shall aid and abet therein, shall forfeit to the use of said company treble the amount of damages caused thereby, recoverable by action in the Henderson circuit court, or other court of said county of competent jurisdiction, and shall further be liable to a fine of not exceeding one thousand dollars, and imprisonment in the work-house of the city of Henderson for not more than twelve months ; such fine and imprisonment may be imposed or amerced in the Henderson circuit court, or in the Henderson city court.

May appoint officers to take care of property, and their powers as police.

§ 10. The said company may appoint and employ agents to care for and protect its property, and may notify the mayor and common council of the city of Henderson of such appointments ; and the agents and employees of said company shall have power as policemen to prevent any intrusion upon the grounds and inclosures of the company, or injuring the property of said company, or defiling the water supply, reservoirs, or wells of said company ; and they may arrest any one so trespassing or wrong-doing, and deliver him to the police authorities of the city of Henderson, to be dealt with according to law.

Council to pass laws to protect company.

§ 11. The mayor and common council of the city of Henderson shall have power to pass and enact such ordi-

nances as may be necessary or proper to protect the property of the company hereby incorporated.

1873.

§ 12. The city of Henderson shall have the power and privilege of subscribing the whole amount of stock necessary for the building and putting in successful operation the water-works contemplated in this act; and if it should do so, it shall be entitled exclusively to all the privileges and franchises, and exercise all the powers granted by this act, and shall be subject to all the duties as herein prescribed with regard to said company, and shall proceed to execute the purposes and objects of this act; and the said city may issue and sell its bonds, running not exceeding twenty years, and bearing not exceeding ten per cent. interest per annum, payable semi-annually, for a sum sufficient to cover the cost of the water-works, and said water-works shall stand pledged to secure the payment of the bonds, and the net proceeds of the water rents shall constitute a fund to pay the principal and interest thereof, and shall be devoted to that purpose; and for the purpose of paying the expense of conducting and managing the water-works, and paying for the water used for public purposes, and such interest on the bonds as the net proceeds of the water rents may be insufficient to pay, the mayor and common council of the city of Henderson shall have power to levy, and cause to be collected, an annual tax upon the real and personal property, subject to taxation in said city for city purposes, sufficient for that purpose. All taxes so levied shall be ad valorem, and shall be levied and collected with the taxes regularly and annually assessed and collected for ordinary city purposes; but shall be, in addition to the annual tax for ordinary revenue, and the assessment, levy, and collection thereof shall be subject to the same laws, regulations, liabilities, and remedies as in the assessment, levy, and collection of the ordinary city tax: *Provided*, That no such subscription shall be made by the city of Henderson, or its corporate authorities, nor shall said city take upon itself the building of said water-works as herein provided, until the question of such subscription and undertaking shall have been first submitted to a vote of the qualified voters of said city, and authorized by the vote of a majority of said qualified voters voting upon said question, at an election held for that purpose, in pursuance of an order of the common council of said city, fixing the time and place of holding such election, and the manner of conducting the same, and the notice to be given thereof: *Provided further*, That if, at the first election held for that purpose, a majority of the votes cast upon that question shall not be in favor of authorizing such subscription and undertaking, a second elec-

City of Henderson may take all the stock and issue bonds to erect works.

May levy tax to pay off said bonds.

Such question shall also be submitted to people.

1873. tion for that purpose may be held in like manner, as though the first had not been held: *And provided further*, That if the city of Henderson should not be authorized by a majority of the qualified voters attending and voting at such election, as aforesaid, to make such subscription, and to undertake the building of said water-works as herein provided, within one year next after the passage of this act, then the corporators named in the first section of this act, or any three of them, may proceed to open books, receive subscriptions of stock, organize said company, and build and carry on the said water-works as herein prescribed.

If city undertakes said works, their franchises, &c., to vest in said city.

Council to appoint water-works commissioners, fix their duties and powers.

§ 13. If the city of Henderson shall be authorized, as provided in the last preceding section, to make said subscription and undertake the building of said water-works, then all the franchises, powers, rights, privileges, and duties of the corporation or company hereby incorporated, together with the management and control of said water-works, shall be vested in and devolve upon the city of Henderson; and the mayor and common council of said city shall appoint a board of five commissioners, to be styled "The Water Commissioners;" said commissioners to hold their office for one year, and until their successors are duly appointed and qualified. The said board shall manage and control said water-works, subject to such rules and regulations as may be prescribed by ordinance; they shall report all their actings and doings to the common council every three months, and oftener if so required by ordinance. A majority of the commissioners shall constitute a quorum to transact business. The common council shall have power to remove any commissioner, and to fill all vacancies occurring in the board; and shall appoint one of the commissioners to act as chairman of the board. The whole affairs of said water-works shall be managed and controlled by said board of commissioners, subject to the rules and regulations which may be prescribed by ordinance passed by the common council. The city of Henderson is hereby authorized and empowered to do any and all things for the building and operating the said water-works in the manner and for the purposes herein provided.

§ 14. This act shall take effect from its passage.

Approved April 16, 1873.

CHAPTER 803.

1873.

AN ACT to authorize the holding of special chancery courts in the county of Rockcastle.

WHEREAS, On the night of the 13th day of February, 1873, the circuit court clerk's office of Rockcastle county, together with all the records and suits in the circuit court, was destroyed by fire; therefore, for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1 That the judge of the fifteenth judicial district be, and he is hereby, authorized to open and hold special chancery courts in the county of Rockcastle, beginning on the third Monday in July, 1873, and on the third Mondays in January and July, 1874, to hear and determine applications to supply records and suits in said court destroyed by fire or otherwise, and to adjudicate upon such causes as may be ready for trial or preparation; which terms of court, if the business requires, shall be kept open for six juridical days at each term.

§ 2. This act to take effect and be in force from and after its passage.

Approved April 16, 1873.

CHAPTER 804.

AN ACT to limit the jurisdiction of the police judge of the town of Dixon, in Webster county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That when by general law a party has a right to trial by jury, when tried before a justice of the peace, he shall have the right to demand a trial by jury before said police judge. This does not apply to infractions of the by-laws of the town.

§ 2. That when said judge issues civil process, the same shall be returned as if the same had been issued by a justice of the peace.

§ 3. For contempts he shall have the same power to punish as justices of the peace have, and no more.

§ 4. All laws inconsistent with this act are repealed, and this act takes effect from its passage.

Approved April 16, 1873.

1873.

CHAPTER 805.

AN ACT for the benefit of turnpike district No. 2, in Henry county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sheriff of Henry county shall not be liable, under the turnpike law of Henry county, for his failure to collect the turnpike tax in district No. 2, in Henry county, in the year 1872.

§ 2. That it shall not be lawful for the sheriff, or other officer in Henry county, to collect the turnpike tax in district No. 2, and that portion of district No. 1 included in the voting precincts of Pleasureville and Franklinton, in Henry county, in the year 1873.

§ 3. This act shall be in force from its passage.

Approved April 16, 1873.

CHAPTER 806.

AN ACT in relation to the sheriff of Calloway county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That J. H. Swift, the sheriff of Calloway county, be, and is allowed, further time until the first day of July, 1873, in which to pay into the treasury the revenue due from said county: *Provided*, That this act shall be inoperative unless the sureties of said sheriff shall, at the April or May term of the county court of said county, enter their consent of record to this extension of time.

§ 2. This act shall take effect from its passage.

Approved April 16, 1873.

CHAPTER 807.

AN ACT to incorporate the Forrest Hill Building and Loan Association of West Covington.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators' names. Name and style. Corporate powers.	§ 1. That Bernard Farrell, William McLennan, Martin Curry, John McCormack, John W. Millichamp, Frederick Kranz, jr., John D. Day, and their associates and successors, are hereby created a body-politic and corporate, under the name of the Forrest Hill Building and Loan Association of West Covington, and under that name shall have perpetual succession and corporate existence, with power to sue and be sued, plead and be impleaded; to have a corporate seal, and the same alter or renew at pleasure;
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and generally to do and perform all acts and things as done by similar institutions. 1873.

§ 2. The amount of capital stock of said association shall be limited to four hundred and fifty thousand dollars, divided into fifteen hundred shares of three hundred dollars each. Capital stock.

§ 3. The principal office of said association for the transaction of its business shall be in the town of West Covington, in Kenton county, Principal office.

§ 4. The officers of said association, their mode of election, powers, and duties, and the general mode and management of its affairs, shall be such as may be prescribed by its constitution and by-laws, which shall be in nowise inconsistent with the laws of this State or of the United States. Said association shall have full power to require bond and security from either or all of its officers, conditioned for the faithful performance of their duties. Association to appoint officers, require bonds, &c.

§ 5. This act shall take effect from and after its passage.

Approved April 16, 1873.

CHAPTER 808.

AN ACT to amend the charter of the city of Bowling Green.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Bridge street, in the city of Bowling Green, shall hereafter be known and denominated as Summer street, and that Plain street shall hereafter be known and denominated as Court street.

§ 2. The ordinances passed by the mayor and board of councilmen of the city of Bowling Green shall be binding when published in pamphlet or book form.

§ 3. This act shall take effect from and after its passage.

Approved April 16, 1873.

CHAPTER 809.

AN ACT to amend an act, entitled "An act for the benefit of school district No. 16, in Larue county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act for the benefit of school district No. 16, in Larue county," passed heretofore by this General Assembly, chapter 264, be, and the same is hereby, so amended as that the election provided for therein may be held at any time hereafter which the

1873. trustees of said district, or a majority thereof, may designate: *Provided, however,* That due notice of the time and place of said election, as required by the act to which this is an amendment, shall first be given before said election is held, and without which the same shall be nugatory and void.

§ 2. This act shall be in force from its passage.

Approved April 16, 1873.

CHAPTER 810.

AN ACT for the benefit of the Paducah and Northeastern Railroad Company.

WHEREAS, The Paducah and Northeastern Railroad Company, a corporation incorporated under the laws of the State of Illinois, are desirous of making Paducah, Kentucky, their southern terminus; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the said Paducah and Northeastern Railroad Company be, and the same is hereby, authorized and empowered to purchase and acquire the right of way to, and the necessary grounds for depots, machine shops, sidetracks, and switches in or near to the city of Paducah; but no street or alley in the city of Paducah shall be used or occupied by said railroad company, without the consent first obtained from the city council of Paducah.

§ 2. That the said railroad company shall have power to borrow money, and to secure the payment of the same by a mortgage of all their property and property rights in the State of Kentucky, for the purpose of carrying out the object set forth in the preamble hereto.

§ 3. This act shall take effect and be in force from and after its passage.

Approved April 16, 1873.

CHAPTER 811.

AN ACT to amend an act, entitled "An act for the benefit of common schools in Bracken county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act for the benefit of the common schools in Bracken county," approved March the 11th, 1873, be, and the same is hereby, so amended that the provisions of said act shall apply to each fractional

district in the county, where a part of said each fractional district lies in Mason, Robertson, and Pendleton counties.

1873.

§ 2. That this act shall take effect from its passage.

Approved April 16, 1873.

CHAPTER 812.

AN ACT to prohibit the sale of spirituous or intoxicating liquors at Mercer's Station, in Muhlenburg county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall not be lawful for any person or persons to sell, loan, or give any spirituous or intoxicating liquors at Mercer's Station, on the Elizabethtown and Paducah Railroad, in Muhlenburg county, or within one mile thereof, unless prescribed as a medicine by a regular physician. Any person so offending shall be fined twenty dollars for the first offense and forty dollars for every subsequent offense, to be enforced and recovered in any of the courts of this Commonwealth for Muhlenburg county, having jurisdiction of fines and penalties.

Made unlawful to sell liquors at said station.

Penalty.

§ 2. This act to take effect from its passage.

Approved April 16, 1873.

CHAPTER 813.

AN ACT to prescribe and regulate the rates of ferriage, upon the Ohio river, for boats plying to and from the corporate limits of the town of Greenup.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the following rates are authorized to be fixed as the rate of ferriage for any ferry plying between the town of Greenup and within its corporate limits, and any point on the Ohio shore within one mile of the town of Haverhill, Ohio, to-wit: for each passenger, ten cents; for each horse or mule, led or loose, ten cents; for each horse or mule and buggy, twenty cents; for each wagon, or buggy drawn by two horses or mules, and driver, thirty cents, and five cents additional for each additional horse or mule so attached; for each wagon drawn by one yoke of oxen, and driver, thirty cents, and five cents additional for each yoke of oxen attached to such wagon, not exceeding three yokes of oxen; for each heavy wagon drawn by four yoke of oxen, and not exceeding five yoke of oxen, sixty cents; for each head of cattle driven loose, not exceeding five cents per head.

1873. § 2. The county court of Greenup may fix any rate of ferriage for any ferry plying between the points aforesaid, not, however, exceeding the rates above described; and all laws or parts of laws inconsistent with this act are hereby repealed, so far as they apply to any such ferry.

§ 3. This act shall take effect and be in force from its passage.

Approved April 16, 1873.

CHAPTER 814.

AN ACT for the benefit of John W. Duncan, collector of the revenue due from Wayne county for the years 1863 and 1864.

WHEREAS, Owing to the unsettled condition of the country during the late civil war, it was found impossible to collect the revenue of Wayne county for the years 1863 and 1864, and there being no one found willing to undertake the collection thereof until John W. Duncan agreed to do the best he could towards the collection, and having found many obstacles and delays in his way; and whereas, owing to these circumstances he has not returned his delinquent list for said years, and desiring further time to return said list in order that he may collect as much of the revenue due as is possible to be collected; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John W. Duncan, collector of the revenue due from Wayne county for the years 1863 and 1864, have the further time, until the court of claims of Wayne county for the year 1873, in which to return his delinquent list for said years; and that the Auditor of Public Accounts be, and he is hereby, directed to receive such delinquent lists so returned, and give said Duncan credit for the same in his settlement

§ 2. This act to take effect from its passage.

Approved April 16, 1873.

CHAPTER 815.

AN ACT for the benefit of Henry C. Fitzpatrick, collector of the revenue for Floyd county for the year 1870.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That when Henry Clay Fitzpatrick, collector of the State revenue of Floyd county, and his securities, for the year 1870, shall pay into the State Treasury the full

amount of the judgment, costs, and Attorney General's fee, in the Franklin circuit court, for the balance of the revenue of said county for said year, the damages adjudged against them shall stand released. 1873.

§ 2. That this act shall be in force from and after its passage.

Approved April 16, 1873.

CHAPTER 816.

AN ACT to incorporate the Crab Orchard Salts Manufacturing Company, at Crab Orchard Springs.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That W. C. Goodloe, J. F. S. Brownell, H. A. Ridgeley, and S. A. White, of Fayette county; Isaac Shelby, jr., Thomas W. Varnon, and Mike Sausley, of Lincoln county; and Walter Evans, of Christian county, be, and they are hereby, incorporated and created a body-politic, by the name of the Crab Orchard Salts Manufacturing Company at Crab Orchard Springs, Kentucky; by which name they may contract and be contracted with, sue and be sued, plead and be impleaded, have perpetual succession, and have and use a common seal, which they may alter the same at pleasure; and they are hereby invested with all appropriate powers incidental to those general powers conferred by this act.

Corporators' names.

Name and style.

§ 2. The capital stock of said company shall be ten thousand dollars, divided into shares of one hundred dollars each, which may be paid for as the majority of the above named incorporators may determine. A majority of said incorporators shall have power, at any time they may deem proper, to meet and open books for subscription to the stock of said company; and when as much as five thousand dollars of said stock is subscribed, such subscribers may organize and proceed to business; such organization being the election of a board of not less than five directors and a secretary and treasurer. Said company, by a two thirds vote of all their stock, may increase their capital stock not to exceed twenty-five thousand dollars.

Capital stock.

When company may organize.

§ 3. The affairs of the company shall be conducted by a board of directors, consisting of not less than five nor more than nine stockholders in the company, one of whom shall be chosen president; and the said board or the stockholders may elect or appoint a secretary and treasurer, and prescribe their duties, and require bonds of them, with good surety, for the faithful discharge of such

Directors to control affairs.

1873. duties. One person may fill both offices. The directors or the stockholders may also create and fill such other subordinate offices as they may deem proper, and may fix the wages and salaries of all employees and officers of the company.

Corporate
powers.

§ 4. The company shall have power to own as much as one thousand acres of real estate, and such personal property as may be necessary to conduct and carry on their business, or which may be the fruit and product of such business. They are hereby empowered to manufacture Crab Orchard salts, by any process now known or which may hereafter be discovered, and in all other lawful ways to use the waters of Crab Orchard Springs, or the waters of any other spring or well which may be on real estate owned by them; they are also hereby empowered to vend the product of such waters, or such waters themselves, in all lawful ways, in any part of the world. In such manufactures they may employ all lawful means, and erect and maintain all lawful and appropriate structures and machinery.

May issue bonds
and secure same
by mortgage.

§ 5. They may issue the bonds of the company not to exceed at any time five thousand dollars, which they may negotiate and sell to the best advantage of the company; but such bonds shall be secured by a mortgage on all the franchises and property of the company, which mortgage shall be executed by the president of the board under its authority, and be recorded in the clerk's office of the Lincoln county court. No bonds shall be issued except by direction of the stockholders, a majority of all the stockholders voting in favor of such issue. When issued they shall be signed by the president and secretary of the company, and shall not bear exceeding ten per cent. interest. Said company may also have a trade-mark, which, when it has been duly adopted by the company and recorded in the county court clerk's office of Lincoln county, it shall be unlawful for any one to counterfeit or use it without the consent of said company.

Annual meetings
and reports.

§ 6. There shall be an annual meeting of the stockholders, at which the president of the company shall preside, if present. A majority of the stock shall be a quorum. The board of directors shall to such meeting report the exact condition of the affairs of the company. Each share of stock shall be entitled to one vote on all propositions. The president of the company may also call special meetings of the stockholders, giving to each due notice of time and place. At such meetings the company may make by-laws, prescribing the manner of carrying out all or any of the provisions of this charter, and providing for such other things they may deem proper;

but none of such by-laws shall be valid if in conflict with any law of this State.

1873.

§ 7. This company shall pay taxes on their property as individual property-owners do under the laws of the State for State, county, and municipal purposes.

§ 8. This act to take effect from its passage.

Approved April 16, 1873.

CHAPTER 817.

AN ACT to regulate the pay of the members of the court of claims of Todd county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for the court of claims of Todd county to allow each justice of the peace, who is a member of said court, five dollars per day, and five cents per mile for each mile traveled in going and returning to and from his residence to the court-house, for each day he may attend said court as a member thereof, to be levied and paid out of the county levy.

§ 2. All acts of said court allowing themselves not exceeding the above sum per day for their attendance on said court, are hereby legalized.

§ 3. This act shall take effect and be in force from and after its passage.

Approved April 16, 1873.

CHAPTER 818.

AN ACT to amend an act, entitled "An act to incorporate the town of Cairo, in Henderson county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all the acts of the persons named as trustees in the act to which this is an amendment, be, and the same are hereby, legalized, notwithstanding said acts may have been done before the said act went into effect.

§ 2. That all the acts as police judge of Cairo, who was elected as such judge on the first Saturday in May, 1872, be, and the same are hereby, legalized.

§ 3. That all the acts, as marshal, of J. H. Bromley, who was elected as such marshal on the first Saturday in May, 1872, be, and the same are hereby, legalized.

§ 4. That the election for officers in said town of Cairo,

1873. on the first Saturday in May, 1872, be, and the same is hereby, legalized.

§ 5. This act to take effect from its passage.

Approved April 16, 1873.

CHAPTER 819.

AN ACT to authorize a vote upon the sale of liquor in Highland, Lincoln county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Question of
license to sell
liquor to be sub-
mitted to people.

§ 1. That upon the petition of twenty of the legal voters of Highland voting district, in Lincoln county, the county judge of said county may order a vote to be taken, at the next general election, to be held after the filing of said petition, to ascertain whether or not it is the sense of a majority of the legal voters of said voting district that the sale of ardent spirits of all kinds shall be prohibited in said district.

Duties of officers
of election.

§ 2. If the election named in this act shall be ordered by the county judge, it shall be conducted by the regular officers of election, and the vote taken returned as other returns are made, and examined by the officers authorized by law to make examinations of returns.

§ 3. In taking said vote the following question shall be asked the voters: "Are you for or against the sale of liquor in the Highland district?"

If no license
prevails, shall be
unlawful to sell
liquors in said
district.
Penalty.

§ 4. Should it be ascertained that a majority of those voting at said election are against the sale of liquor in said district, then, in that case, it shall be unlawful to sell spirituous, vinous, or malt liquors in said district, and every person or persons violating the provisions of this act shall, upon conviction, after indictment, be fined not less than fifty nor more than two hundred dollars.

§ 5. That this act shall take effect and be in force from its passage.

Approved April 16, 1873.

CHAPTER 820.

AN ACT to amend the charter of the city of Covington.

WHEREAS, The land or ground heretofore condemned by authority of the city council of Covington, for the construction and operation of water-works in said city, is found to be insufficient for said purposes, and doubts exist whether the act of this Assembly, entitled "An act to amend the city charter of Covington," approved February

24, 1870, confers power for any further condemnation ; now, therefore, 1873.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the city council of Covington shall have and is hereby given power and authority to cause to be condemned and appropriated, in fee-simple, to the city of Covington, so much of the land lying west of said works, not exceeding one hundred feet in width, and extending from Second street to the Ohio river, as said council shall determine to be necessary for the use and operation of said works. Whenever said council shall determine to condemn said land, by reason of said necessity aforesaid, it shall cause a petition therefor, in the name of said city, to be presented to the mayor of said city, or to the presiding judge of the Kenton county court, either of whom shall have authority to issue the writ of *ad quod damnum*, to adjudicate upon the same, and to make all necessary orders in the proceeding. Said petition, and all the other proceedings for said condemnation, both before and after the same, shall conform to and be governed by, in all respects, the requirements of the first section of the act hereinbefore cited, approved February 24, 1870 ; but the order of the mayor or judge shall be that the land be condemned in fee-simple to said city.

City council may condemn certain lands for water-works purposes.

§ 2. This act shall take effect from and after its passage.

Approved April 16, 1873.

CHAPTER 821.

AN ACT to amend the charter of the town of Danville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That section one of the charter of the town of Danville, approved March 10, 1873, be, and the same is hereby, so amended as to exclude from the limits of said town the tract of land owned or used by the Central Kentucky Trotting Park Association, so long as the same may be held and used by said association for the purposes to which it is at present devoted.

§ 2. This act shall be in force from its passage.

Approved April 16, 1873.

1873.

CHAPTER 822.

AN ACT to change the time of holding the Grant county quarterly courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the time for holding the quarterly courts for the county of Grant shall hereafter be on the third Mondays in January, April, July, and October.

§ 2. All acts in conflict with this [act] are repealed.

§ 3. This act shall take effect and be in force from and after the first day of May, 1873.

Approved April 16, 1873.

CHAPTER 823.

AN ACT for the benefit of R. G. Scott, of Rowan county.

WHEREAS, R. G. Scott, while he was common school commissioner of Rowan county in February, 1872, failed, on account of the treachery of the mail, to receive the notice of the Superintendent of Public Instruction that deductions had been made for Collins' History of Kentucky, and paid out of his private resources two dollars to each of the following districts, viz: Nos. one, four, five, seven, eight, nine, fourteen, fifteen, sixteen, seventeen, eighteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, and twenty-eight, being nineteen in all, making the sum of thirty-eight dollars, said districts being those that did not vote to reject Collins' Historical Sketches of Kentucky; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Superintendent of Public Instruction is hereby authorized to draw his order on the Auditor, in favor of said R. G. Scott, for the sum of thirty-eight dollars, such being the amount so paid out, and said sum shall be deducted from the surplus fund of Rowan county.

§ 2. This act shall take effect from its passage.

Approved April 16, 1873.

CHAPTER 824.

AN ACT to prevent cattle, horses, sheep, mules, and jennets from running loose on the public highways within a radius of two miles of the Dry Ridge, in Grant county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any person to suffer or permit their cattle, horses, sheep, mules, or jennets to

Made unlawful
for certain stock
to run at large.

run loose on any of the public highways within a radius of two miles of the village of Dry Ridge, in Grant county.

1873.

§ 2. Any person violating the provisions of the first section of this act shall, upon conviction, be fined in any sum not less than three nor more than twenty dollars, for each offense, to be collected by a warrant in the name of the Commonwealth; and the fines so collected, under the provisions of this act, shall be paid the common school trustees, and expended by them for school purposes, in the school district in which the offense was committed.

Penalty.

How fines to be disposed of.

§ 3. This act shall take effect and be in force from and after its passage.

Approved April 16, 1873.

CHAPTER 825.

AN ACT providing for the collection of railroad tax in the county of Montgomery.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for the county court of Montgomery county, at any regular or special term of the county court of said county, which court shall be composed of the judge and justices, to appoint some suitable person as collector and receiver of any railroad tax which may be levied upon the taxable property of said county to pay stock subscribed on behalf of said county, who shall receive compensation for his services as shall be agreed upon by said collector and receiver and said county court, not exceeding one per cent. upon the amount of taxes which may be received by him. Said collector and receiver shall execute covenant, payable to the Commonwealth, with good and sufficient sureties, to be approved by said county court, for the faithful collection of said taxes as required by this act, and paying over the amounts collected, and for the proper performance of all his duties under this act.

County court to appoint collector of railroad taxes.

Collector to give bond.

§ 2. That it shall be the duty of the person upon whose property in said county railroad taxes may be levied, to pay the amount thereof to said collector and receiver, at his office or place of business in Mt. Sterling, between the 15th of July and 25th of November of each year. Each tax-payer shall receive from the collector and receiver a certificate of the amount of tax paid by him to the collector and receiver at the time of payment, and all such payments shall be transferable by indorsement; and any certificate or certificates, when amounting to one

Tax-payers to pay tax to collector.

1873. hundred dollars, shall entitle the holder to one share of stock in the railroad company for which and in which the taxes may be levied by the county court of said county.

Powers of collector.

§ 3. It shall be the duty of, and the collector is empowered to collect, all the Elizabethtown, Lexington, and Big Sandy Railroad taxes; and in making said collections, shall have the same powers as are now given to sheriffs by law to enforce the collection of the same.

Tax to entitle holder of certificate to stock in amount of \$100.

§ 4. It shall be the duty of the collector, when collections are made by him, to give the tax-payers a certificate of the amount paid by him, setting forth in such certificate what amount in tax and what damages; which certificate, when amounting to one hundred dollars in tax (exclusive of damages), shall entitle the holder to one share of stock, as provided for by the second section of this act. He shall have seventy days, after the 25th of November, to collect and pay over the taxes unpaid, and shall be subject to the same penalties and amercements for a neglect of duty as sheriffs are subject to for a failure to collect and pay over the State revenue; and any taxes not paid by the 25th day of November of each year the collector can coerce the same, with ten per cent. damages; and the remedy shall be by motion in the county court, in the name of the county court against the collector and his sureties in his official bond, or by suit in the name of the county court upon said bond, in the Montgomery circuit court.

To whom tax to be paid over.

§ 5. The money received by the collector and receiver shall be paid over by him to the county court, or the committee or agent appointed by said court to receive the same, as soon as sums of five thousand dollars are received by him.

§ 6. The collector shall make a settlement of his accounts at any time that may be appointed by the court, which shall be composed of the judge and justices when the taxes are levied.

§ 7. That the act having the same title as this bill, approved 1st March, 1873, is hereby repealed.

§ 8. This act shall take effect from its passage; but is not to control the taxes collected for the year 1872.

Approved April 16, 1873.

CHAPTER 826.

AN ACT to charter the Southern Land and Construction Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators' names.

§ 1. That Joseph Monks, William C. Hall, Charles Cobb, John S. Long, and M. Barbour, their successors and as-

signs, are hereby constituted a body-corporate and politic for the term of thirty years, under the name and style of the "Southern Land and Construction Company;" and under that name shall be able to sue and be sued, plead and be impleaded, contract and be contracted with; and may have a common seal, and alter the same at pleasure.

1873.

Name and style.

§ 2. The capital stock of said company shall be five hundred thousand dollars, with the privilege of increasing the same to one million dollars, divided into shares of one hundred dollars each; and said company shall be authorized to commence business so soon as fifty thousand dollars shall be subscribed to its capital stock, and twenty-five thousand dollars paid in; and it may receive subscriptions to the same, to be paid in land, on such terms as its board of directors may determine.

Capital stock.

§ 3. The business of said company shall be to purchase, sell, and improve real estate in this State; to help and encourage immigration thereto; to mine coal or other minerals; to contract for mills, factories, tanneries, or the furnishing of materials therefor; to receive, warehouse, and ship cotton, hides, or other produce, and make advances thereon; but no banking or insurance privileges shall attach hereto.

Business of corporation.

§ 4. The corporators named in section first shall be the directors of said company for the first year; thereafter directors, five or more in number, shall be elected annually by the stockholders on the second Tuesday of March.

When directors to be elected.

§ 5. The board of directors of said company may make such by-laws for the government of the company, and the management of its business, as it may see proper: *Provided*, The same are not in conflict with the laws of the State or of the United States.

Directors to make by-laws.

§ 6. The officers of said company shall be a president, secretary, and treasurer, and such other officers as the board of directors may appoint.

Officers.

§ 7. The said company may issue bonds to an amount equal to its paid-up capital stock, bearing a rate of interest not greater than ten per centum, and running for such time as its board of directors may determine, and secured by mortgage on its property and franchises.

May issue bonds and secure same by mortgage.

§ 8. The private property of the members and stockholders of said corporation shall be exempt from liability for its debts of any description.

No individual liability.

§ 9. This act shall take effect from its passage.

Approved April 16, 1873.

1873.

CHAPTER 828.

AN ACT for the benefit of J. W. Bradburn, of Hardin county, and others.

WHEREAS, During the year 1870 J. W. Bradburn, while engaged in selling merchandise for Wm. Sumner & Co., in Hardin county, Kentucky, was arrested by the sheriff of said county, and fined in the sum of one hundred dollars for selling without license, which fine was paid by Wm. Sumner & Co., fifty dollars (50) of which fine went into the treasury of the jury fund of this Commonwealth; and whereas, His Excellency, the Governor, upon petition, remitted so much of the fine as would go to the State; but the order remitting said fine not reaching the officers of said county until the money was claimed to have been paid into the treasury of the jury fund; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be directed to draw his warrant upon the Treasury in favor of Wm. Sumner & Co. for the sum of fifty (50) dollars.

§ 2. This act shall take effect from and after its passage.

Approved April 16, 1873.

CHAPTER 829.

AN ACT for the benefit of school district No. 30 (thirty), in Butler county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a tax of (15) fifteen cents on each one hundred dollars' worth of property in school district No. 30, in Butler county, be, and the same is hereby, levied and assessed for each year, for the purpose of common schools, to be applied as the other general taxes for school purposes are applied.

§ 2. That the sheriff of Butler county shall collect said fifteen cents on each one hundred dollars' worth of property listed by all white residents of said district, and pay over the same to the common school commissioner of Butler county, who shall account for, and pay the same to the trustees of said district for the support of common schools, and he shall be responsible on his official bond for all such sums so received by him.

§ 3. The sheriff shall be allowed the same commission on said taxes pro rata that he is now allowed by law for collecting the revenue; and he and his sureties in his revenue bond shall be liable for the tax so collected, and the same may be collected by writ against them in the circuit court in the name of the common school com-

Tax to be levied
for school pur-
poses.

Sheriff to collect
tax and pay to
school commis-
sioner.

Fees and duties
of sheriff.

missioner of Butler county, with 30 per cent. damages thereon, if he fails to pay the same upon demand of said commissioner.

1873.

§ 4. That said taxes shall be due from said sheriff at the same time the county levy of said county is due.

When tax is due.

§ 5. This act shall not take effect until it has been submitted to a vote of those persons in the said district entitled to a vote in the election of trustees of common schools, and receives a majority of the votes cast upon the question.

Question of tax to be submitted to people.

§ 6. That this act shall, at the next May election, be submitted to a vote of the persons aforesaid, by the officers opening a poll therefor; and the question shall be, "Do you vote for or against the fifteen cents school tax?" If a majority of those voting on the question vote for said tax, the same shall be so certified by the board for comparing the polls, and the sheriff shall proceed to collect the tax from the assessor's books furnished by the county clerk, and enforce the collection in the same manner as the county levy and revenue taxes are enforced; but it is expressly provided that no taxes are hereby levied upon the property of any except white citizens or residents of said district, and none but white persons residents of said district qualified to vote as aforesaid are entitled to vote upon the adoption or rejection of this act.

Duties of officers of election.

Powers of sheriff.

§ 7. This act shall take effect from its passage.

Approved April 16, 1873.

CHAPTER 830.

AN ACT to incorporate the Henderson Library Association.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Samuel B. Vance, L. C. Dallam, J. L. Rousseau, Charles Eaves, John Young Brown, H. H. Shouse, E. L. Starling, jr., David Clark, D. C. Allin, Maurice Kirby, Ben. P. Cissell, S. K. Sneed, G. M. Alves, James H. McCullagh, John W. Lockett, R. H. Cunningham, Jas. F. Clay, L. W. Trafton, J. Ed. Rankin, B. C. Redford, Thomas Posey, and their associates and successors, be, and they are hereby, incorporated and created a body-corporate, under the name and style of "The Henderson Library Association;" with power to contract and be contracted with, sue and be sued, complain and defend as an individual person; to have and use a common seal, and to alter the same at pleasure, and may act with or without a seal; and to make and enforce such constitution, by-laws,

Corporators' names.

Name and style.

1873. and regulations for the government of the association as may be necessary or proper to carry out the objects and purposes of the association, not incompatible with the constitution and laws of this State or of the United States; and shall have perpetual succession.

Corporate powers.

§ 2. The object of this association shall be to obtain and keep for the use of its members, and of others, upon such terms as may be prescribed in the constitution or by-laws, books, pamphlets, publications, engravings, pictures, works of art, maps, philosophical apparatus, or other things which the board of directors may direct; and it may employ lecturers, and cause courses of public lectures to be given.

Capital stock.

§ 3. The capital stock of said association shall not exceed one hundred thousand dollars, divided into shares of fifty dollars each, which shares shall be personal property, and shall be evidenced and transferable as the association may, by its constitution or by-laws, prescribe; and each share of stock shall entitle the holder to one vote, which may be given in person or by proxy.

Directors to control affairs, and their term of office.

§ 4. The affairs of the association shall be managed and conducted by a president, secretary, treasurer, and a board of directors, in such manner as the constitution and by-laws may prescribe. The board of directors shall consist of not less than five nor more than nine persons, including the president. The directors shall be elected on the first Saturday in December of each year, and shall hold their offices for one year, and until their successors are chosen.

Officers and their term of office.

The president shall be chosen by the directors from among their number, and shall hold his office for one year, and until his successor is duly elected and qualified. The secretary and treasurer shall hold office one year, and until their successors are appointed, and one person may fill both offices. The treasurer shall give bond with good surety for the faithful performance of his duties, which bond may be put in suit, from time to time, and recovery had thereon by the association. The directors may fill vacancies occurring in their own body or in any office, and may create and fill any other offices necessary or proper to carry out the objects of the association.

May borrow money and issue bonds for same, securing them by mortgage.

§ 5. It shall be lawful for said association to borrow money upon notes, bonds, or indorsements, at such legal rates of interest or discount as may be found necessary; and to pledge or mortgage any portion of its property as security for the payment thereof; and may issue and sell its bonds, to run not exceeding twenty years, and bearing interest not exceeding ten per cent. per annum, payable semi-annually, and may secure the payment thereof by mortgage upon its property and estate: *Provided*, That the aggregate amount of said bonds shall not ex-

ceed ten thousand dollars: *And provided further*, That 1873.
nothing herein contained shall be construed as granting
to the said association any banking powers.

§ 6. All property of the association shall be exempt Property exempt
from taxes.
from State, county, municipal, or other taxation. The
stockholders shall not be individually liable for the con-
tracts, liabilities, or debts of the association; but the
stock, privileges, rights, and properties held and owned
by said association in its corporate capacity shall be
liable for its contracts, debts, and liabilities.

§ 7. The board of directors shall cause a journal or Directors to keep
record.
record of all proceedings to be kept; and on the first
Saturday in December of each year they shall present,
in writing, an annual report.

§ 8. Until the first Saturday in December, 1873, the
corporators named in the first section of this act, or a
majority of them, may organize; elect a board of direct-
ors, and other officers; and proceed to transact business
whenever twenty shares of stock shall be subscribed.

§ 9. This act shall take effect from its passage.

Approved April 16, 1873.

CHAPTER 831.

AN ACT to legalize the proceedings of the president and directors of the
Danville and Hustonville Turnpike Road Company.

WHEREAS, The stockholders of the Danville and Hus-
tonville Turnpike Road Company, for the purpose of
finishing and completing their road, expended the sum
of six thousand six hundred dollars, which, divided into
shares of fifty dollars each, would amount to one hundred
and thirty-two shares, and have issued certificates of stock
for said one hundred and thirty-two shares to the stock-
holders who have paid the aforesaid sum, and doubts are
entertained as to the power of said president and direct-
ors to issue such certificates; for remedy whereof,

*Be it enacted by the General Assembly of the Commonwealth
of Kentucky:*

§ 1. That the proceedings of said president and directors
of the Danville and Hustonville Turnpike Road Company,
in issuing said certificates of stock, is hereby made legal
and effectual, and the holders of said one hundred and
thirty-two shares shall be entitled to all the rights and
privileges of the original stockholders, and the additional
stock so issued shall be taken and considered as part of
the capital stock of said company as though the same
had been originally subscribed under the provisions of
the charter of said company, passed and approved March
1st, 1844: *Provided*, That the board of directors of said

1873. turnpike company shall not increase the rate of tolls now prescribed by said board.

§ 2. This act shall be in force from and after its passage.

Approved April 16, 1873.

CHAPTER 832.

AN ACT to require attachments to be noted of record in the office of the county clerk of Jefferson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

(Officer receiving attachment to perform certain duties.

Statement to be delivered to county clerk to be recorded.

§ 1. That any officer into whose hands attachments may come, which are to be or may be levied upon real estate, shall forthwith prepare a statement in writing, to be signed by him officially, which shall show—1st. The day of the month, year, and time of day the attachment was received by him; 2d. In what court the proceedings are pending; 3d. The style—giving the names of all the parties defendant—and number of the suit; 4th. The amount for which the attachment is issued. Which statement the said officer shall forthwith take to the office of the county court clerk of Jefferson county, who shall, without any delay whatever, make an index of the same (as hereinafter provided in this section), and, within twenty-four hours thereafter, record the said statement, together with the certificate required by section three of this act, in a well-bound book (to be designated as “Memoranda of Attachments on Real Estate”); which book shall be kept exclusively for the purpose indicated by its title; said book to have an index of all the names mentioned as defendants in the statement furnished by the attaching officer. The original statement shall be filed in the office of the county court clerk as a part of the records thereof. And a copy of such statement, duly attested by the clerk of the county court in whose office the same is filed, shall be admitted as evidence for any purpose for which the original could be received.

§ 2. The clerk of the county court shall certify the original statement required by section one of this act, the day of month, year, and time of day when such settlement was first produced to him, and by whom.

Fees of officers.

§ 3. The officer having the attachment shall be entitled to charge and receive a fee of fifty cents for the statement and services required by sections one and two of this act; and the clerk of the county court shall be entitled to charge and receive a fee of one dollar for recording and indexing the said statement and writing the certificate.

required by section one ; which fees shall be paid by the plaintiff and taxed as costs in the case.

1873.

§ 4. A failure to perform the duties required by sections one, two, and three, of this act, shall subject the derelict officer and his sureties to such damages as may be sustained by any one in consequence thereof.

Penalty for failing to discharge duty.

§ 5. This act shall take effect from its passage, and only apply to the county of Jefferson.

Approved April 16, 1873.

CHAPTER 833.

AN ACT providing compensation for the services of W. R. Bradley in the defense of the action of the State of Missouri against the State of Kentucky for the recovery of Wolf Island.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the treasurer, in favor of W. R. Bradley, for the sum of fifteen hundred dollars, payable out of any money in the treasury not otherwise appropriated ; which sum, when paid, shall be in full satisfaction of all claims of said Bradley against the Commonwealth for his services and expenses in finding witnesses, taking depositions, and making maps and plats for the State of Kentucky, in her defense of the action brought against her in the Supreme Court of the United States by the State of Missouri for the recovery of Wolf Island.

§ 2. This act shall take effect from its passage.

Approved April 16, 1873.

CHAPTER 834.

AN ACT to amend an act, entitled " An act to amend and reduce into one the several acts in relation to the city of Frankfort," approved March 16, 1869.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled " An act to amend and reduce into one the several acts in relation to the city of Frankfort," approved March 16, 1869, be, and the same is hereby, so amended, that hereafter all citizens of this State who may run coal down the Kentucky river shall have the right to sell said coal by retail in the city of Frankfort without paying a license for such right, subject to the conditions hereafter provided for in section two of this act.

Coal men may sell coal without paying city license.

1873.

To pay tax
on each hundred
bushels coal sold.

§ 2. That all citizens of this State who may run coal down the Kentucky river, and sell the same in the city of Frankfort by retail, shall pay a tax into the city treasury not exceeding five cents on each one hundred bushels of coal so sold by them, and shall pay a tax at the same rate for any greater or less number of bushels; and the person or persons selling said coal shall have free ingress and egress to and from said city with said coal; and it shall be unlawful for said city authorities to charge any citizen of this State any greater tax for the privilege of retailing coal than the amount fixed in this act.

§ 3. That all acts and parts of acts in conflict with the provisions of this act are hereby repealed.

§ 4. This act shall take effect from its passage.

Approved April 16, 1873.

CHAPTER 835.

AN ACT exempting the county of Hart from erecting fire-proof vaults in said county.

WHEREAS, It is represented to this General Assembly that the county of Hart has erected clerks' offices which it is believed are fire-proof; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county of Hart is hereby exempted from the provisions of an act, entitled "An act to require the county courts to have one or more fire-proof vaults in their respective counties erected for the safe-keeping of the public records of their respective counties."

§ 2. This act shall be in force from its passage.

Approved April 16, 1873.

CHAPTER 836.

AN ACT to incorporate the Tug River Coal Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That S. A. Forbes, Samuel S. Vinson, Lafayette
 Corporators' F. Vinson, Lazarus Vinson, Byron C. Howell, N. P. Fen-
 names. ner, Joseph Mitchell, Charles Drew, Joseph M. Ferguson,
 G. C. Ratcliffe, G. R. C. Floyd, G. G. Burgess, K. F.
 Prichard, M. J. Ferguson, L. T. Moore, Mordecai Williams,
 A. L. Martin, J. M. Davidson, G. N. Brown, George Carter,
 their associates, successors, and assigns, be, and they are
 hereby, created a body-politic and corporate, under the
 Name and style. name and style of "The Tug River Coal Railroad;" and

by that name they are hereby made capable in law and in equity to sue and be sued, plead and be impleaded, defend and be defended, in any of the courts of this State or elsewhere; to have and use a common seal, and renew or alter the same at pleasure; and shall be, and are hereby, vested with the right to construct, complete, and operate a railroad, with double or single track, from any point on the Big Sandy river, or from any point on the Louisa or Tug forks of said river, as they may elect, to extend from thence up the valley of Tug river to the Virginia line, and with the right to construct and maintain such lateral branches to said road as they may elect to construct, and with the right also to construct one or more bridges across the Big Sandy, Louisa, or Tug rivers, as may be deemed necessary to connect the said road with any improvement of like character authorized by the laws of the State of West Virginia: *Provided*, That said bridges, nor any of them, shall in nowise obstruct the navigation of either of said rivers.

1873.

Corporate powers.

§ 2. Whenever it shall be necessary for the said corporation to have, use, or occupy and land, material, or property in order to the construction of the said roads or bridges, or repairing the same, or the construction or repairing of its necessary works or buildings, it shall be lawful for the president, directors, or their agents, to take possession of said land or other property after the verdict of a jury has been rendered, as hereinafter provided, and after the payment has been made to the owner of said lands or materials in accordance with said verdict. If the person or persons owning said land or material, upon a tender being made to him or them of the amount of damages fixed by the jury, or by the circuit court, in case an appeal is taken, shall refuse to receive the same, it shall be lawful for the said corporation to deposit the same with the sheriff of the county in which the inquisition is had: *Provided*, The said sheriff shall previously execute bond, with security in the county court of the said county, to pay it to the persons entitled thereto, whenever they shall demand the same. If the land be vacant, or if the owner live out of the county or State, or be unknown upon the rendition of the verdict of the jury, a deposit of the amount fixed thereby with the sheriff of the county shall authorize an entry by said corporation upon the said land: *Provided*, The sheriff first execute bond as hereinbefore provided.

May condemn lands, &c.

§ 3. The said corporation may agree with the owners of land, earth, stone, timber, or other material which may be wanted for the repair or construction of said road, or any of their works, for the purchase, in fee-simple, or the use and occupation of the same; and if they cannot agree, or if the owner or owners, or any of them, be under legal

Duties of officers under writ.

1873. disability to contract, or out of the county in which the property may be, application may be made to any justice of the peace for said county, who shall thereupon issue his warrant, directed to the sheriff of said county, requiring him to summon twenty discreet men, not related to the owner nor in any way interested, to meet on the land or near the materials to be valued, on a day named in said warrant, not less than ten nor more than twenty days after the issuing of the same; and if, at the time and place, any of the said jurors do not attend, said sheriff or constable shall forthwith summon as many jurors as may be necessary, with those in attendance, and from them each party may strike off four jurors, and the remaining twelve shall act as the jury of inquest of damages. The sheriff may adjourn the proceeding from day to day, and in case of failure to agree upon a verdict, may discharge the jury and summon another to meet as soon as convenient. Before the jury acts, the sheriff or other officer shall administer to them an oath or affirmation that they will justly and impartially fix the damages which the owner or owners will sustain by the use and occupation of said property required to be taken or used; and the jury, in estimating damages, shall find the actual value of the lands and other thing proposed to be taken; but in estimating damages resulting incidentally to the other land or other property of such owners, they shall take into consideration and may offset the advantages to such residue to be derived from the building or operating of said road by or through, or near such residue. The jury shall reduce their verdict to writing and sign the same, and it shall be returned by the officer to the clerk of the circuit court of said county, and such clerk shall receive and file the same in his office; and such verdict shall be confirmed by the circuit court, at its next regular term, if no sufficient cause be shown by either party for setting it aside; and when so confirmed, it shall be recorded by the clerk at the expense of said corporation; but if set aside, the court shall direct another inquisition to be held as hereinbefore prescribed: *Provided*, That said corporation may proceed to construct their said road upon depositing in court such sum as the court may direct; the said deposit to be controlled by the court upon such securities as to it may seem proper.

Capital stock.

§ 4. The capital stock of said corporation shall not be less than one million of dollars nor more than five million of dollars, and shall be divided into shares of one hundred dollars each, which shall be personal property, and shall be issued and transferable in such manner as the board of directors may prescribe.

§ 5. The affairs of said corporation shall be managed by a board of seven directors to be elected by the stockholders, each share of stock to entitle the holder to one vote; and until such election shall take place the incorporators hereinbefore named, or such ones thereof as may consent to act as such, are hereby appointed directors of said corporation. The said directors shall hold their offices until their successors are elected, which election shall take place once in each year; and the said directors shall elect one of their own number president of said corporation, and may also elect such other officers as may be authorized by the rules and by-laws of said corporation.

1873.

Directors to manage affairs, term of office, and duties.

§ 6. Said corporation shall have power to unite its railroad with other railroads which are now or may hereafter be constructed, upon such terms as may be mutually agreed upon; and may, from time to time, borrow money in such sums as may be necessary for the purposes of said corporation, at any rate of interest not exceeding ten per cent. per annum, and to execute a mortgage upon their property and franchises, and issue their bonds with coupons attached, the bonds not to be of less denomination than one hundred dollars, and secured by mortgage upon their property and franchises. It is authorized to purchase, hold, or convey lands, timber, and minerals not exceeding fifty thousand acres.

May connect with other roads.

May borrow money and secure same by mortgage.

§ 7. This act shall be in force from its passage; and the Legislature reserves the right and authority to alter, modify, or repeal this act.

Approved April 16, 1873.

CHAPTER 837.

AN ACT to pay for the erection of a stable for use of Penitentiary.

WHEREAS, The extension of the walls of the Penitentiary, and the erection of buildings in the space thereby inclosed, as provided for by act of the General Assembly of 1872, to provide for the erection of a prison for females, &c., approved March 2d, 1872, necessitated the removal of the stable belonging to the Penitentiary, and used by J. W. South, lessee and keeper, and compelled him to erect a stable, which he has done on ground pertaining or belonging to the Penitentiary; and whereas, there remains unexpended of the appropriation for the construction of a block of warehouses for the use of the Penitentiary, approved March 13th, 1871, the sum of \$4,762 34, and of the appropriation to provide for the erection of a prison for females, &c., approved March 2d, 1872, about the sum of \$2,909 45; therefore,

1873. *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That J. W. South, lessee and keeper of the Penitentiary, be paid by the Treasurer of the State, on the warrant of the Auditor, the sum of eighteen hundred and fifty-eight dollars and seventy-six cents, for the erection of this stable, out of these unexpended sums.

§ 2. This act to take effect from its passage.

Approved April 16, 1873.

CHAPTER 838.

AN ACT to prohibit the sale of spirituous, vinous, or malt liquors, at Island Station, or within two miles thereof, in McLean county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Made unlawful
to sell liquors at
said station.

§ 1. That it shall be unlawful for the county court of McLean county, or any person, to grant license to any person or persons to sell spirituous, vinous, or malt liquors, at Island Station, or within two miles of said Station, in said county of McLean, in quantities less than one quart.

Penalty.

§ 2. That any person or persons who shall sell, give, or loan, within the limits prescribed in section one of this act, any spirituous, vinous, or malt liquors, or the mixture of either, to any person or persons, in a less quantity than one quart, shall be deemed guilty of keeping a tippling-house, and shall be fined as now provided by law: *Provided*, That nothing herein contained shall prohibit the sale of liquors by any person or persons licensed at the time this act takes effect until the expiration of the same.

§ 3. This act shall take effect from its passage.

Approved April 16, 1873.

CHAPTER 839.

AN ACT to amend section fourteen (14) of article five (5) of the charter of the city of Hopkinsville, passed March 5, 1870.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section fourteen (14) of article five (5) of the charter of the city of Hopkinsville, passed and approved March 5, 1870, be, and the same is hereby, repealed, and the following is enacted in lieu of said section fourteen (14) of article five (5) of said charter, passed as aforesaid.

§ 2. Appeals and writs of error shall be from the decisions and judgments of the city court of Hopkinsville

to the circuit court of Christian county, in all cases, for a violation of the ordinances of said city, where the fine or judgment exceeds ten dollars, in like manner that appeals and writs of error lie from the decisions and judgments of the quarterly courts.

1873.

§ 3. This act shall take effect from and after its passage.

Approved April 16, 1873.

CHAPTER 840.

AN ACT to authorize the United States to condemn land in the city of Covington as a site for its public buildings.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That when in the acquisition of a site for its public buildings in the city of Covington, Kentucky, the United States of America is unable to acquire the title to all or any portion of such real estate as it may deem necessary for such site, either from the infancy or other legal disability of the owner or owners thereof, or from inability to agree with any owner or owners as to the proper compensation to be paid by it to such owner for his ground, it shall be lawful for the United States, in its own name, to sue out the writ of *ad quod damnum* from the judge of the Kenton county court, for the purpose of condemning so much ground in said city as shall be necessary for the purposes aforesaid.

Made lawful
for United States
to condemn lands
for buildings.

§ 2. That upon said writ similar proceedings shall be had to those prescribed in sections seven, eight, and nine, of chapter eighty-four of the Revised Statutes of Kentucky, for determining the value of said ground: *Provided, however,* That the jurors summoned herein shall not be required to live one mile from the property proposed to be condemned.

Proceedings
under writ.

§ 3. That at least ten days' written notice shall be given to the owner or owners of such ground of the time and place of holding the inquest under said writ; and in case of the absence or non-residence of such owner, such notice may be served on his agent in charge of the property, or on his tenant in possession of the same; and in case no agent, tenant, or owner can be found, then by warning order to be made by the court issuing the writ, for the period of thirty days, in the manner prescribed by the Code of Practice of Kentucky. And in case any such owner is under any disability, other than coverture, the court shall appoint a guardian *ad litem* to represent and defend his or her interests at such inquest.

Notice to be
given owners.

§ 4. That upon payment of the value of such ground as shall be assessed at said inquest, to the owner or his

When United
States may take
possession of con-
demned property

1873. lawful agent, or in case of his refusal to receive the same, then, upon its being deposited in any chartered State or national bank, in Covington, Kentucky, to the credit of such owner, it shall be lawful for the United States to take possession thereof for the purposes aforesaid.

Appeals may be
taken.

§ 5. That in case either party shall be dissatisfied with the finding of the jury at the inquest aforesaid, he or it may take an appeal from the verdict and judgment aforesaid, to the circuit court or court of appeals of this Commonwealth, in the manner provided by law in other cases.

Approved April 16, 1873.

CHAPTER 841.

AN ACT repealing the charter of the St. Mathews and Goose Creek Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act approved by [the] General Assembly of the Commonwealth of Kentucky, March 14, 1870, granting a charter to the St. Mathews and Goose Creek Turnpike Road Company, is hereby repealed.

§ 2. This act to take effect from and after its passage.

Approved April 16, 1873.

CHAPTER 842.

AN ACT to amend the charter of the Shelbyville and Louisville Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Shelbyville and Louisville Turnpike Road Company are hereby empowered to build a branch road from or near St. Matthews post-office, in Jefferson county, to a point at or near Goose creek, in said county; said company shall have the right to run said branch road either on the road known as the Westport Road, or should the managers of said Shelbyville and Louisville Turnpike Road Company deem it best to deviate from said Westport Road, then, and in that event, they can do so by consent of any parties or party through whose lands they may choose to pass, or by the usual process to condemn land for road purposes in accordance with the Revised Statutes of this Commonwealth.

§ 2. This act to be in force from and after its passage.

Approved April 16, 1873.

CHAPTER 843.

1873.

AN ACT for the benefit of school district No. 1, of Metcalfe county.

It is represented to this General Assembly that no school has been taught nor in progress in district No. 1, of Metcalfe county, for the school year ending June 30th, 1873; and that the citizens and trustees of said district desire that the amount they would have drawn for said district, had there been a school taught therein for said year, shall be placed to the credit of their district, instead of being placed in the surplus fund due Metcalfe county; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Superintendent of Public Instruction, upon the certificate of the common school commissioner of Metcalfe county as to the amount that school district No. 1 would have drawn for the school year ending 30th June, 1873, shall place said amount to the credit of said district No. 1, of Metcalfe county, which sum shall be drawn by the common school commissioner of Metcalfe county whenever the trustees of said district shall report to him that a five months' school has been taught therein.

§ 2. This act shall take effect from its passage.

Approved April 16, 1873.

CHAPTER 844.

AN ACT for the benefit and relief of persons who have paid tax on income from United States bonds, imposed by an act passed and approved March 8th, 1867.

WHEREAS, An act was passed and approved March 8th, 1867, entitled "An act to tax income on United States bonds," and by said act a tax of five per cent. (5) was imposed on income derived from United States bonds against all tax-payers owning and deriving income from United States bonds in this State; and whereas, said tax so imposed and collected, was assessed and collected as a separate tax, and the records of the Auditor's office will show a complete list of the names of all persons from whom said tax was collected, and the amount paid by such tax-payer; and whereas, the Court of Appeals of this State, in the case of the Bank of Kentucky against the Commonwealth, decided and declared said act of March the 8th, 1867, illegal and unconstitutional; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all taxes assessed and collected of tax-payers in this State, under said act of March 8th, 1867, and en-

Said tax to be refunded.

1873. titled "An act to tax income on United States bonds," shall be refunded and paid back to each and every person from whom the same was collected. And the Auditor of Public Accounts is hereby directed, upon the presentation to him of the tax receipts, or other satisfactory evidence, showing the payment of said tax under said act of March 8th, 1867, by any person from whom said tax was collected, shall draw his warrant upon the Treasurer in favor of such person, for the amount of tax so paid, and in conformity to and corresponding with the name of such person and amount of tax paid by such person as shown and evidenced by the records of the Auditor's office, or in case of the death of any person from whom said tax was collected, the warrant shall be drawn by the Auditor in favor of the personal representative of such deceased person, and which warrant shall be paid out of any money in the Treasury not otherwise appropriated.

Auditor, upon proper proof, to draw warrant on Treasurer for same.

§ 2. That said act, passed and approved March 8th, 1867, and entitled "An act to tax income on United States bonds," be, and the same is hereby, repealed.

§ 3. This act shall take effect and be in force from and after its passage.

Approved April 16, 1873.

CHAPTER 845.

AN ACT to re-enact an act, entitled "An act to incorporate the Boyd County Navigation, Manufacturing, and Improvement Company," approved February 8th, 1871.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the Boyd County Navigation, Manufacturing, and Improvement Company," approved February 8th, 1871, be, and the same is hereby, re-enacted, and section five of said act is hereby so amended as to authorize said incorporators named in said act two years from the passage of this act to organize said corporation, pursuant to the provisions of said section.

§ 2. This act to take effect from its passage.

Approved April 16, 1873.

CHAPTER 846.

AN ACT to amend an act to charter the town of Prestonville, in Carroll county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section five of an act, entitled "An act to

incorporate the town of Prestonville," approved February 18, 1867, be so amended as to read: "The first election under this act of incorporation shall be held on the second Saturday in May, 1873, under the supervision of B. B. Elston and W. C. Rutherford as judges, and they are hereby empowered to appoint a sheriff and clerk to assist in conducting said election.

§ 2. This act to be in force from and after its passage.

Approved April 16, 1873.

1873.

CHAPTER 847.

AN ACT to amend an act, entitled "An act giving the trustees of the common school district in Catlettsburg the right to levy a tax for two years to build a school-house in said district," approved March 5th, 1872, and to establish and maintain a public school in the town of Catlettsburg.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That for the purpose of establishing and maintaining a public school in the common school district in which the said town of Catlettsburg is included, at which all the white children between the ages now, or which may hereafter be, prescribed by the common school law of this State, residing in said district, may receive instruction without charge for and during the term provided in the common school law of the State, shall or may be taught, to authorize said district to draw money from the Treasury, the board of trustees of the town of Catlettsburg are empowered and directed, in and for the year 1873, and annually thereafter, to levy a tax, not exceeding twenty-five cents on the one hundred dollars' worth of taxable property of said town and common school district, for State and revenue purposes, as returned by the county assessor, that belongs to white persons only (negroes or their property are not subject to taxation for the purposes of this act), and cause the same to be collected, with such sum or sums as may be received, from year to year, as the portion of said common school fund of this Commonwealth, and sums that may be derived by bequest or donation, also the sums of money collected under the act to which this is an amendment, shall constitute a school fund to be applied to the purposes recited in this act, and to no other.

To carry on schools, trustees of town to levy tax.

§ 2. The board of trustees of the town of Catlettsburg shall appoint a board of education for the Catlettsburg district of common schools, which shall consist of five members, none of whom shall be members of the board of trustees of the town of Catlettsburg, three of whom shall hold said office until the next ensuing election of the town officers, and until their successors are duly elected and

Trustees to appoint board of education.

Term of office of board.

1873. qualified; the other two shall hold their office until the next succeeding election for town officers, at which time an election shall be held to fill their places. The latter officers shall hold their said office until their successors qualify. At the next succeeding election for town officers an election shall be held to fill the place of first three outgoing, and so on each year, so that at the first election the term of three of said board shall expire, and the following election the other two; and in order to determine the outgoing first, the board, immediately on their qualification, as hereafter required, shall cause to be, and on entering shall be, entered on their books the result, and certified to the board of trustees of the town of Catlettsburg, to be entered by them on their records

Board made
body-politic and
corporate.

§ 3. The said board of education of the common school district of Catlettsburg shall be, and they are hereby, declared a body-politic and corporate, with power to contract and be contracted with, to sue and be sued, plead and be impleaded, in all courts of this Commonwealth.

Board to take
oath.

§ 4. The members of said board shall, before entering upon the duties of their office, make oath or affirmation before some judicial officer of this Commonwealth, faithfully to discharge the duties enjoined upon them.

Vacancies—
how filled.

§ 5. Said board shall have the power to fill all vacancies in the board occasioned by death, removal, resignation, or otherwise; the persons so appointed shall have like qualifications, and hold their offices until succeeding general election.

Qualifications of
members of board

§ 6. No person shall be eligible as a member of the board of education for said school who has not attained the age of twenty-five years, and who is not the owner of real estate in said district, and who is not a citizen of the United States and a bona fide resident of the district, or who has not been a resident of the Commonwealth of Kentucky one year, and of the town of Catlettsburg or district sixty days next preceding his appointment or election, or who holds or discharges any office or agency under the town of Catlettsburg or the United States, or department thereof, or any foreign government whatever, except militia officers of Kentucky; or who is at the time of his election, directly or indirectly, interested in any contract with said board of education, or who hold any office of trust, or receive a salary in any corporation which holds a contract with said board of education or the town of Catlettsburg, the terms, rates, or prices whereof are subject to modification or enforcement by said board of trustees of the town of Catlettsburg, or whose father, son, brother, wife, daughter, or sister is employed as a teacher in said public school, or who is a member of said board of trustees of said town, or directly or indirect-

ly interested in the purchase or sale of books or stationery, or both, or agent therefor; and if, after election, any member of said board should move out of the town or district, or become a candidate for, or accept any office or agency, the holding or discharging of which would have rendered him ineligible, or should become directly or indirectly interested in any contract with said board of education, or if his father, brother, son, wife, sister, or daughter should be employed as teacher in said public school, his seat shall thereby be vacated, and the vacancy shall be filled as hereinbefore provided.

1873.

§ 7. The establishment and maintenance, together with the control and management of the public school and of the property, and the funds belonging thereto, which may accrue in any way to it under the provisions of this act, or otherwise, shall be vested in said board of education subject to the provisions of this act. Said board may elect one of the board as president, and they shall have power to make by-laws, not in conflict with this act, for carrying out the duties of their office, and to determine their own rules of proceeding. A majority of the board shall be necessary to form a quorum for the transaction of business; they shall meet once a month, and oftener if necessary, for the transaction of business; and no appropriation of money shall be made by the board, except for the payment of salaries previously fixed, without the concurrence of a majority of the whole board. A correct record of all their proceedings shall be kept in a book provided for that purpose, which shall at all times be open to the inspection of any member of the board, or of the chairman or any member of the board of trustees of said town, or of any committee appointed by the chairman and board of trustees to examine the same.

Board to control schools.

Quorum.

Record of proceedings to be kept.

§ 8. Said board of education shall have power, after an examination into the qualifications of applicants by the members of the board, or by competent persons selected by them, to appoint the teachers; to regulate and fix their salaries; to dismiss or suspend any teacher for misconduct, inefficiency, or neglect of duty: to prescribe the branches of learning to be taught; to determine the number of departments, and of grades in each department; the mode of examining applicants for admission; and to establish uniform rules in regard to the necessary qualifications of pupils for admission into each department; they may provide class-books, to be used in the school by children whose parents or guardians are unable to furnish them. No catechism or other form of religious belief shall be taught or inculcated, nor shall any class-book be used which reflects upon any religious denomination; nor shall said school be so conducted as to interfere with the relig-

Board to appoint teachers, fix salaries, &c.

To prescribe course of study, &c.

1873.

Board to appoint
secretary.

ious belief of parents or pupils. The board shall have the power to admit to said school pupils from beyond the limits of said town or district; but children of persons residing outside of said limits shall not be admitted as pupils, except upon the payment of said tuition fees, as said board may require. The board shall elect a secretary, whose duty it shall be to attend all meetings of the board, keep their records, and perform such other duties as may be required of him by the board; in his absence they may appoint a secretary *pro tem.*; they shall also elect some competent person as superintendent, who shall perform such duties as may be required of him by the board; said secretary and superintendent shall receive an annual salary, to be paid quarterly.

Board to make
report to trustees
of town.

§ 9. The board shall, at the end of each scholastic year, make out and report to the board of trustees of the town of Catlettsburg a written or printed statement, showing the number of pupils in each department of the school, the condition and amount of property and funds belonging thereto, and such other information as may be necessary and proper to be laid before the board of trustees.

Board to con-
fine expenditures
to estimated ex-
penses.

§ 10. The said board of education, upon the completion of the assessment of property for taxation each year, shall ascertain, as nearly as may be, the sum likely to accrue from taxation and from all other sources to the school fund for the current fiscal year; and said board shall not contract nor incur liability for the payment of a larger sum than the estimated amount to be received for the year.

Collector to col-
lect taxes.

§ 11. When the annual assessment of the taxable property of said town and district shall have been completed, and the tax-book placed in the hands of the collector, he shall proceed promptly to the collection of the school tax; and within one week from the time of placing the tax-book in his hands, and weekly thereafter, he shall deposit, in such bank in said town, or with such other depository as the board of education may designate, such sums of money arising from the school tax described in this act as he may have collected; and it shall be the duty of the board of trustees of the town of Catlettsburg to take sufficient bond from the collector of the town taxes, conditioned for the faithful collection of tax described in this act, and for the payment thereof in the mode and manner directed by the board of education; and for any defalcation said board of education is authorized to bring suit in any court of competent jurisdiction.

Collector to give
bond.Penalty for fraud
in officers.

§ 12. The embezzlement of any portion of the school fund herein described by the members of the board of education, or by one or more of them, is hereby declared to be a felony, and shall subject the offender or offenders, on conviction, to confinement in the penitentiary not less than one year nor more than five years.

§ 13. The board of education shall take charge of the fund hereinafter provided for, and the money arising, or has been collected under the act which this is an amendment, and apply them to the purchase of a suitable lot of ground in said town or district, whereon they shall cause to be erected such building or buildings as in their judgment will accommodate the pupils of such a public school as is contemplated in this act, and supply the same with necessary furniture. The lot so purchased shall be conveyed to the trustees of the town of Catlettsburg by deed, and the same, as well as the buildings, fixtures, furniture, and improvements of every kind, shall not be diverted from the use of such a public school as herein provided for, and so long as used for that purpose shall not be liable for any debt of said town; and shall be exempt from town, county, and State taxation. The board of education, before assuming the trust reposed in them by this act, shall execute bond, with ample security, in such penalty as the board of trustees of the town of Catlettsburg may require, conditioned for the faithful discharge of all the duties pertaining to the same.

1873.

Board to have charge of and expend funds.

School property exempt from taxation.

§ 14. In order to raise the money necessary to purchase a suitable lot of ground to erect a school building or buildings thereon, and to furnish the same, it is made the duty of the chairman of the board of trustees of the town of Catlettsburg, and he is hereby authorized, to issue the bonds of said town to an amount not exceeding ten thousand dollars, at such times, and in such sums, and of such denominations, as may be deemed expedient, and directed by the board of education, with coupons attached for the payment of interest at the rate of eight per cent. per annum, payable semi-annually, to-wit: on the first day of January and July in each year; said bonds to be payable to bearer not more than twenty years after date; shall be signed by the chairman and countersigned by the clerk of the board of trustees of said town, and the coupons signed by the clerk; the bonds so issued shall be delivered by the chairman to the board of education, who may put them upon the market, and from the sale thereof realize the funds necessary as aforesaid; said bonds shall not be negotiated at a rate of discount of more than four per cent. per annum, or said board may pay out said bonds at par for the purchase of a lot of ground, or of building materials, or for work done, or in discharge of any indebtedness incurred in the execution of their trust.

To raise funds to build school-house, trustees of town to issue bonds.

§ 15. The said board of trustees of the town of Catlettsburg shall, from year to year, levy upon the taxable property of said town and district and collect an additional tax sufficient to pay the interest upon said bonds and redeem the same at maturity. The tax directed in this

Trustees to levy tax to pay bonds.

1873. section, and in the first section of this act, shall be so apportioned as not to exceed twenty-five cents on the one hundred dollars' worth of property in said town and district, in any one year; which tax so levied and collected shall be kept separate and apart from the other revenues of said town, and shall not be expended for any other purpose than for the payment of the interest and principal of said bonds. Any surplus money that may arise from said tax, after payment of the interest on said bonds, may be applied by the said board of trustees to the redemption of such bonds as can be retired at par or under; and if not so applied, may be invested in safe and remunerative securities: *Provided, however,* That no property belonging to persons of the African race shall be liable to the tax provided for in this section, or in the first section of this act. And it shall be the duty of the assessor, in taking and making his list of taxable property, so to designate the property belonging to persons of the African race that it may be distinguished from the other taxable property.

Common school funds—how to be used.

§ 16. No part of the money apportioned out of the common school fund to said district shall be applied or used for any other purpose or account than the payment of teachers therein.

Board to report to school commissioner.

§ 17. The board of education provided for in this act shall report to the county commissioner as district trustees are required by the general law to report, and in respect to the common school fund shall comply with all the regulations required of such trustees.

§ 18. The trustees of the common school district provided for by the act to which this is an amendment, shall pay the money collected under the provisions of said act over to the board of education provided for by this act. The act to which this is an amendment was approved March the 5th, 1872, described in the title of this act, is hereby repealed.

§ 19. The present limits of the common school district which includes the town of Catlettsburg shall constitute one common school district of Boyd county; but may be enlarged by the school commissioner of Boyd county, with the consent of the board of education.

§ 20. This act shall take effect and be in force from and after its passage.

Approved April 16, 1873.

CHAPTER 848.

1873.

AN ACT to incorporate the Exchange Bank of Sharpsburg.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That there is hereby established an exchange bank in the town of Sharpsburg, Bath county, Kentucky, with a capital of thirty thousand dollars, in shares of one hundred dollars each, which may be by the board of directors increased to one hundred thousand dollars. The persons named in the fifth section of this act shall be a body-politic and corporate, by the name and style of the Exchange Bank of Sharpsburg, and shall so continue for twenty years from its organization; and shall be capable of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, of answering and defending, in all courts and places whatever; it may have a common seal, and change and renew the same at pleasure.

Capital stock.

Name and style.

§ 2. Said bank shall be under the direction and control of four directors, each one of whom shall be a stockholder in the same; and after the first election the directors shall be elected annually on the first Monday in July in each succeeding year, and shall hold office until their successors are elected and qualified; they shall elect one of their number president, and shall hold regular meetings at such times as may be fixed by the by-laws: *Provided*, That other meetings may be had at any time deemed necessary for the transaction of the business of the bank; and in case of death or resignation of any director, the vacancy shall be filled by the board of directors; and the person so chosen by said board shall hold office as a director until his successor shall be elected at the next annual election.

Directors to control affairs.

When to be elected, term of office, and powers

§ 3. The directors shall have power to receive subscription for so many of the shares of the stock of said bank, remaining unsold, as they may at any time choose to sell; to declare dividends of the profits arising out of the business; and to appoint such officers and agents as may be necessary to conduct the business of the bank, and pay them such sums as wages and salaries, and take from them such bonds to secure the faithful performance of their duties, as they shall think proper and reasonable.

Powers of directors.

§ 4. The stock shall be deemed personal property, and shall be assignable according to such rules as the bank shall, from time to time, establish. The property of the stockholders, real and personal, shall be liable for all the obligations of said bank.

Stock to be personal property.

§ 5. Sanford Allen, A. S. Allen, John W. Allen, and Chas. P. Allen, are hereby appointed commissioners, any two of whom may open books and receive subscription for the capital stock: *Provided*, That public notice shall

Commissioners' names and duties.

1873. be given by two successive insertions in some newspaper circulated in Bath county, of the time and place where said books will be opened; and when two hundred shares have been subscribed, it shall be their duty to give notice in some newspaper circulated in Bath county, and appoint a day of election of a board of directors, who shall be qualified and hold office until their successors are elected at the ensuing annual election; and in all elections for directors of said bank the stockholders shall be entitled to one vote for each share of capital stock he or she may hold in same; the payment for the shares of stock shall be as the directors may provide, after fifteen thousand dollars shall have been paid in.

When bank may
commence busi-
ness.

§ 6. Said corporation may commence business so soon as twenty thousand dollars have been paid in, and the president and directors first elected shall have made oath to the fact of such payment before some judge or justice of the peace.

General powers
of bank.

§ 7. Said bank may receive deposits of gold and silver, and bank notes, and other notes which may be lawfully circulated as money, and repay the same in such manner and at such time as may be agreed upon with depositors by special or general contract; and may deal in loaning of money, exchange, promissory notes, and other evidences of debt, take personal and other securities, and real estate for the payment thereof, and dispose of the same as authorized by an act, entitled "An act for the benefit of incorporated banks of Kentucky," approved March sixteenth, eighteen hundred and seventy-one; and the promissory notes made negotiable and payable at its banking-house, or at any other bank in this State, and inland bills which may be discounted by it, shall be, and they are hereby, put upon the footing of foreign bills of exchange, and like remedy may be had thereon, jointly and severally, against the acceptations, drawers, and indorsers.

§ 8. Said corporation may acquire, hold and possess, use and occupy, and enjoy all such real estate, goods and chattels, as may be convenient for the transaction of its business, or which may be conveyed to it as surety for any debt, or purchased in satisfaction of any debt, judgment, or decree, and sell and convey the same; and the directors may make such by-laws for their government as they may deem necessary: *Provided*, The same be not contrary to the Constitution and laws of this State or the United States.

State tax.

§ 9. It shall be the duty of the president, on the first Monday in July of each year, to pay into the Treasury of the State of Kentucky fifty cents on each hundred dollars

of the cash capital owned and paid into said institution, which shall be in full of all taxes and bonus. 1873.

§ 10. If the cashier, clerks, teller, or other officer or agent, shall appropriate any of the funds of said corporation to his or her own use, or shall willfully fail to make correct entries, or knowingly make false ones on the books of the bank, with intent to cheat or defraud the corporation, or any other person, or to counsel any improper appropriation of funds, the person or persons so offending shall be guilty of felony, and shall be, upon conviction thereof, sentenced to confinement in the jail or penitentiary of this Commonwealth for a period of not less than two nor more than five years. Penalty for fraud in officers.

§ 11. It shall not be lawful for said bank to issue any notes or bills to be passed or used as currency.

§ 12. The General Assembly may have the right to examine the affairs of said corporation by any committee they may appoint for the purpose.

§ 13. No certificates of stock shall be issued by said bank, unless the same shall have been subscribed for on books provided for that purpose, and actually paid in.

§ 14. The indebtedness of said bank, over and above that incurred for deposits, shall at no time exceed the amount of its paid in capital.

§ 15. This act shall take effect from its passage: *Provided*, Said institution is organized within one year from the date thereof.

§ 16. The Legislature reserves the right to alter, amend, or repeal this act at pleasure.

[Became a law without the Governor's signature, April 17, 1873.]

CHAPTER 849.

AN ACT to incorporate the Saint Bernard Transportation Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John Feland, John B. Atkinson, Thos. Rutter, St. John Boyle, and E. G. Sebree, and their associates, successors, and assigns, are hereby created a body-politic and corporate, by the name of the St. Bernard Transportation Company, by which name it may sue and be sued, contract and be contracted with, have perpetual succession; and have and use a common seal, which they may alter at pleasure. Said company may have and fully exercise all the powers expressly conferred by this act, and all appropriate incidental powers. Corporators' names.

§ 2. Said company shall have power to take by gift, to purchase in fee simple, to hold, to sell, lease, and in all lawful ways to use real and personal estate, not to ex- Name and style.

Powers of corporation.

1873. ceed in value three million dollars; to build, own, and navigate, on all navigable waters, steamboats, tugs, barges, and all other means of transportation by water; to buy, sell, and transport coal, petroleum, ores, and all kinds of produce and manufactured articles; to build, equip, own, and operate a railroad as hereinafter provided: *Provided*, Said company shall not have the power to purchase or own more or other real estate than such as may be necessary for the purpose of exercising the powers, rights, franchises, and privileges conferred by this act; to borrow money at a rate of interest not exceeding ten per cent. per annum; to pledge, hypothecate, and mortgage their real and personal property, but not their corporate franchises, to secure any debt they may create, and to sell and dispose of their property in all lawful ways; but they shall not exercise any banking privileges, nor shall they owe more than one hundred thousand dollars borrowed money at any time.

Capital stock.

§ 3. The capital stock of said company shall be five hundred thousand dollars (\$500,000), but the company, after its organization, may, from time to time, increase it until the whole amount thereof shall reach one million dollars. Said capital stock shall be personal estate, and shall be divided into shares of one hundred dollars each. Each share shall be entitled, at all meetings of the stockholders, to one vote; which vote may be cast by the owner of the stock in person, or by some other person authorized in writing to vote it.

Commissioners
to open books of
subscription.

§ 4. That the persons named in the first section of this act, or any three of them, may, as soon as practicable after the passage of this act, open books for subscriptions to the capital stock of the company. Said books shall be kept open for at least ten days after public notice of the time and place of such opening shall have been given by advertisement in some newspaper published in Hopkins county, or if no such newspaper is published in said county, then by written or printed notices posted at four or more public places in said county, the court-house door being one. And when as much as three hundred thousand dollars of said stock is subscribed for, the persons so named, or any three of them, may call a meeting of such subscribers (giving to each due notice) at such time and place in the State of Kentucky as may be deemed most convenient; and such subscribers may, at such meeting, choose from among themselves a board of directors—five in number—and a secretary and a treasurer. The officers so chosen shall hold their offices until their successors are chosen. But said company shall not proceed to do business until at

least forty thousand dollars shall be paid in on such subscription to said capital stock.

1873.

§ 5. Each board of directors chosen shall elect one of their number president. Such president shall preside also at all meetings of the stockholders, and the secretary of the company shall act as secretary of such meetings. In the absence of either from such meetings, their places for the occasion may be filled by the stockholders. The mode of selecting temporary officers may be regulated by the by-laws.

Duties of officers.

§ 6. There shall be a general meeting of the stockholders in the month of April in each year, of which due notice shall be given. The manner of giving such notice, and the precise day of such annual meeting, shall be fixed by by-law. There may also be called special meetings of the stockholders as hereinafter provided. At such meetings the stockholders may fix the duties and salaries of their officers and employees, and shall be supreme in all matters where power is conferred on said company by this act, whether such power be in terms given to the stockholders or to the board of directors.

General meeting
—notice of same
to be given.

§ 7. After the first board of directors all subsequent boards shall consist of not less than five nor more than eleven members, the precise number within those limits to be fixed by the stockholders at the time of election. They shall be chosen at the annual meetings in April, and shall hold their offices until their successors are chosen. At such meetings, also, the secretary and treasurer shall be elected, and they shall hold their offices in like manner. All of said officers shall be stockholders in the company. Said board of directors, after electing their president, may fix his duties, if they have not already been fixed by the stockholders. They may fill all vacancies in the board and in all other offices of the company. They may create all such subordinate offices for the company as may be deemed advisable by them, and may select persons to fill the same at pleasure. The board shall have general power to manage and conduct the affairs of the company; to employ its agents and to fix the duties of all the officers and employees of the company, and remove and dismiss the same at pleasure. The board shall, at the annual meetings of the company held in the month of April, cause full reports of the operations and condition of the company to be made to the stockholders. They shall require the books of the company to show their proceedings and the accounts of the company and the exact condition of its affairs. They may also make calls upon the subscribers upon the unpaid stock, of not exceeding fifty per cent. at the first call, and not exceeding ten per cent. thereof at any subsequent call; but no call under this

Directors—term
of office and du-
ties.

1873. section shall be made under twenty days after a previous one.

Board to declare dividends, &c.

§ 8. The board of directors shall, with the assets of the company, provide for the payment of its debts and liabilities, and may, from time to time, declare dividends to the stockholders, to be payable in such way and manner, and at such times, as they may direct.

No individual liability of stockholders.

§ 9. All the stock, assets and property of the company shall be liable for the debts and liabilities of the company; but the property of the individual stockholders, except all their interest of every kind in the company, shall not be so liable.

Secretary and treasurer to give bond.

§ 10. The secretary and the treasurer shall, before entering on the discharge of their duties as such, give bond to the company, with surety to be approved of by the board of directors, for the faithful discharge of all their duties. The duties of said officers may be fixed by the board of directors, and one person may fill both of them.

How stock to be paid for.

§ 11. Stock in the company may be paid for in cash, in real or personal estate, or in the stocks and bonds of the United States or either of the States, or of any other corporation, or in any other species of personal property which the board of directors may consent and agree to take in payment for such stock.

Principal office, and who shall receive legal process for company.

§ 12. The principal office of the company shall be at such place in this State as the company may, from time to time, appoint; and in all suits or proceeding against the company, the summons, process, and notices may be served by delivering copies to the president, secretary, treasurer, or other chief officer of the company, in the county where the suit may be brought; or if either of such officers shall not be found in such county, then such summons, process, or notice may be executed by delivering copies thereof to any authorized agent of the company. And said company shall keep an agent in some one of the counties in which they may operate under the provisions of this charter; and the appointment of said agent shall be in writing, and which appointment shall be lodged with the clerk of the county court for safe-keeping in which such agent may reside; and any summons, process, or notice in any suit brought against said company in any county in which said company may operate, executed on such agent, shall be sufficient service, and shall be as binding on the company as if the same had been executed on the president of said company in the county in which suit is brought.

Special meetings—how called.

§ 13. The president of the board of directors may, at any time, call special meetings of the stockholders. On the request, in writing, of any three stockholders owning not less than one tenth of the shares of the capital stock of

the company, the said president shall call a special meeting of the stockholders of the company, to be held within twenty days after such petition is presented. Due notice, as prescribed by the by-laws, shall be given of such meetings.

1873.

§ 14. The stockholders shall have power to remove their officers at pleasure; and they shall also have power to cancel any subscription when any subscriber to its capital stock, for ten days after the same is due, fails to pay the first call made for payment on such subscription; and should any subscriber to said stock have paid in part for the same, but fails, after due notification, to pay any subsequent call for ten days after the same was due, the stockholders who may have paid all such calls shall have power, at any general or called meeting, to order to be issued to such delinquent subscriber a paid up certificate of stock for as many shares thereof as the money paid by him on calls will fully pay for at par; or they may, by resolution, declare that no further dividends shall be made, paid, or allowed on the capital stock held by such delinquent, until all arrears due from him are fully paid. On any increase of the capital stock of the company as allowed by the third section of this act, such increase may be disposed of by the company to the best interest of the stockholders.

Powers of stockholders.

§ 15. This company shall be liable to taxation like an individual by the State and the counties and cities in which its properties may be situated; but should it build a railroad, as herein provided for, then, on such railroad and its incidents, it shall pay taxes as provided for by the act to tax railroads, approved February 20, 1864.

Terms of taxation.

§ 16. Said company may, by a vote of two thirds of the stock voting at any general or called meeting of the stockholders, issue not more than two hundred thousand dollars in preferred stock, which shall be a portion of the capital stock, and may be redeemed at par at such times as may be provided for, and stated in the certificates for said stock, or by agreement between the holder thereof and the board of directors or company; such preferred stock may, at any time, be exchanged for common stock, share for share. The holders of such preferred stock shall be entitled to dividends in preference to the other stockholders, of not exceeding ten per cent. per annum; and the rate of such preferred dividends shall be fixed by the stockholders when they vote to issue the preferred stock, and shall be stated in the certificates. In no year shall such preferred stock receive a larger dividend than that stipulated; and any deficiency in one year in such divi-

May issue preferred stock.

1873. dend shall be made up in succeeding years out of the net profits of the company.

Directors to
make by-laws.

§ 17. The board of directors may by by-laws not inconsistent with this act and the laws of the State, regulate the manner of conducting all elections of the company, and may in the same way provide for the carrying into effect of any and all powers conferred by this act.

May acquire and
hold landings on
rivers, depots, &c

§ 18. The said company may purchase or lease, own and control, any landing or any lands they may need or wish to use as a landing, depots, places of deposit for coal, ores, produce and merchandise, and for handling the same; and shall not acquire any landing on any river by condemnation, nor otherwise than by purchase or lease.

May acquire
right of way to
river, &c.

§ 19. Said company may, after acquiring the right of way by purchase or by gift, as provided in the next preceding section, construct from any existing railroad or any railroad hereafter to be constructed, a way, of the kind to suit their business, whether railway or tramway, to any place of deposit or landing on any river that they may own or have leased or condemned. In constructing such way, said company shall not, except for purposes of construction, obstruct any public highway, nor shall they connect their way with any existing railroad, unless upon terms to be agreed on with such railroad company. On the way so to be constructed said company may carry all the articles to be transported by them, and for the purpose may own and run engines and cars, and may make running arrangements with such railroad companies.

Standing of stock
on books.

§ 20. The stock of this company shall only be transferable on the books of the company. On all stock fully paid for, the subscriber shall be entitled to certificates of stock; which certificates shall be issued under the seal of the company, and signed by the president and secretary thereof, and shall show the number of shares to which the holder is entitled. The certificates may be for as many of such shares as the owner may desire. Such certificates may be renewed, if proper; but on all renewals the old certificates, unless lost or destroyed, shall first be delivered up to be canceled; and when so canceled, they shall be preserved by the secretary. Should any such loss or destruction occur, on satisfactory proof thereof to the board of directors, new certificates shall be issued to replace those lost or destroyed.

§ 21. This act shall at all times be subject to modification or repeal, at the pleasure of the General Assembly.

May build a rail-
road.

§ 22. The company created by this act is hereby empowered to construct, own, and operate a railroad, to begin in any place in Hopkins county which the board of directors may select; and said railroad may terminate at any point in this State west of the present line of the Evans-

1873.

ville, Henderson, and Nashville Railroad; and if on the Ohio river, then not less than twenty miles west of the city of Henderson. They may, in order to own such railroad facilities as are intended to be hereby granted, agree with any railroad chartered by this State, to lay down a third or fourth rail on said railroad on terms to be agreed on between this company and such other railroads. They may bridge either the Cumberland, Tennessee, Tradewater, or Ohio rivers, and any intermediate streams in their route, but under the same rights and restrictions as are imposed on other railroad companies authorized to bridge such streams; and they shall not obstruct navigation in so bridging such streams. They may acquire all lands necessary for right of way (not over sixty feet in width), depots, workshops, machine-shops, round-houses, water-tanks, and other proper and necessary structures for the railroad, either by purchasing the same, or by condemning the same by writ of *ad quod damnum*, with the same effect, and in the same way and manner, as the condemnation of property for other purposes is provided for in the Revised Statutes. When the company shall have paid to the owners the money at which said land was first appraised by those appointed, the company may then enter on the land, and proceed to subject it to the uses for which it was condemned; but in the event of an appeal from such original or any intermediate valuation, if on the trial and final termination of the cause the land is valued higher than by the persons aforesaid, the company shall forthwith pay such excess over the amount so paid, or else vacate the land so taken. But should they pay such excess and costs after vacating, as herein provided, they may then re-enter on such land. No exceptions to the report of such persons, nor shall any appeal in such causes, prevent the entry of the said company on such land after they have paid the original valuation of the same, and the costs of the proceeding. Said company may fix the gauge of their railroad, and may build it with single or double track. They may run engines and cars upon the same as other railroads are authorized to do. They may connect their track with that of other railroads incorporated by this State; and instead of terminating on either the Cumberland, Ohio, Tradewater, or Tennessee rivers, they may, on terms to be agreed on between the companies, connect their track with that of any other railroad, and may make running arrangements with any railroad in this State.

May condemn
right of way for
same.

§ 23. Said company shall be public common carriers, and subject to the laws regulating such.

§ 24. That the provisions of this act shall not apply to the county of Muhlenburg.

1873. § 25. This act shall take effect from and after its passage.

[Became a law without the Governor's signature, April 17, 1873.]

CHAPTER 851.

AN ACT for the benefit of M. T. Lowery, of Jessamine county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, authorized and directed to draw his warrant on the Treasury in favor of M. T. Lowery, for the sum of seven hundred dollars, to be paid out of any money in the Treasury not otherwise appropriated.

§ 2. That this act be in force from and after its passage.

Approved April 18, 1873.

CHAPTER 852.

AN ACT to amend an act, entitled "An act for the benefit of Kenton county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act for the benefit of Kenton county," approved March 25th, 1872, be, and the same is, so amended, as to authorize the county court of said county, a majority of the justices of said county concurring, to levy an additional tax of not exceeding five cents on one hundred dollars of the taxable property in said county outside the city of Covington.

§ 2. That a tax not exceeding the amount authorized in the first section of this act may be levied by said court, a majority of the justices thereof concurring, for two years, for the purpose of raising a fund to pay off the indebtedness of the county.

§ 3. This act to be in force from its passage.

Approved April 18, 1873.

CHAPTER 853.

1873.

AN ACT to amend section 191 of act revising the charter of the city of Paducah, Kentucky, approved March the 27th, 1872.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section one hundred and ninety-one of the revised charter of the city of Paducah be, and the same is, so amended as that hereafter when a vacancy shall occur in the board of trustees of the common schools of said city, that said vacancy shall be filled by the board of trustees of the common schools, until the next regular election which shall be held thereafter in said city; and so much of said section one hundred and ninety-one as confers the power of filling vacancies in said board of trustees upon the council of said city, is hereby repealed.

§ 2. This act to take effect from its passage.

Approved April 18, 1873.

CHAPTER 854.

AN ACT to legalize the action of the Warren county court in borrowing seven thousand dollars for bridge purposes of Warren county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the note executed by the presiding judge of the Warren county court on the 3d day of September, 1872, for the sum of seven thousand dollars, bearing the rate of ten per cent. interest per annum, and payable semi-annually, and principal payable ten years after date to the Warren College, is made binding and obligatory on the county of Warren, and said Warren College shall have all the remedies to enforce its collection by her attorneys, agents, or representatives, that any other person or persons have to enforce contracts in this Commonwealth.

§ 2. This act to be in force from and after its passage.

Approved April 18, 1873.

CHAPTER 855.

AN ACT for the benefit of S. M. Goble, of Carter county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, authorized to draw his warrant on the Treasury, in favor of S. M. Goble, for two hundred and fifty dollars,

1873. pay for taking care of Bird Goble (colored), a pauper lunatic, from the 10th day of October, 1871, until the 10th day of January, 1873, by order of the county court of Carter county.

§ 2. This act shall take effect from its passage.

Approved April 18, 1873.

CHAPTER 856.

AN ACT for the benefit of James Hogg, committee of Nancy Frazier, pauper idiot, now of Rowan county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasury in favor of James Hogg, committee of Nancy Frazier, a pauper idiot, now of Rowan county, for the sum of eighty-three dollars and thirty-three cents (\$83 33), being amount due said James Hogg on account of said idiot, Nancy Frazier, from September 25th, 1869, to 23d May, 1871, which amount the Auditor refused to pay on account of some informality of the records in the case of said idiot.

§ 2. This act shall take effect from its passage.

Approved April 18, 1873.

CHAPTER 857.

AN ACT for the benefit of William R. Williams, of Elliott county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasury in favor of William R. Williams (for conveying John Cox, a lunatic, to Lexington), for forty dollars, payable out of any money in the Treasury not otherwise appropriated.

§ 2. This act shall take effect from its passage.

Approved April 18, 1873.

CHAPTER 858.

AN ACT to amend section 153, title "City Tax Collector," of an act revising the charter of the city of Paducah, Kentucky, approved March the 27th, 1872.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Collector to pay taxes to treasurer, whose receipt to be good in settlement of accounts.

§ 1. That section one hundred and fifty-three of the revised charter of the city of Paducah be, and the same is,

so amended as that hereafter it shall be the duty of the city tax collector of said city to pay directly to the treasurer of the board of trustees of the common schools of said city all taxes collected by said tax collector, levied by the city council exclusively for common school purposes in said city, and take the said treasurer's receipt therefor; and all said receipts shall be good as vouchers in the hands of said tax collector, for the amount expressed in said receipts, upon a settlement between said tax collector and the city council of the city of Paducah; and so much of said section one hundred and fifty-three as requires said city tax collector to pay the common school tax for said city into the treasury of said city, is hereby repealed.

§ 2. This act to take effect from its passage.

Approved April 18, 1873.

1873.

CHAPTER 859.

AN ACT to amend an act, entitled "An act to prevent deer-driving in the counties of Estill, Jackson, Perry, Harlan, Butler, Grayson, and Edmonson," approved March 28, 1872.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to prevent deer-driving in the counties of Estill, Jackson, Perry, Harlan, Butler, Grayson, and Edmonson," approved March 28, 1872, be, and the same is hereby, so amended as to apply its provisions to the counties of Bell and Letcher.

§ 2. That this act shall be in force (60) sixty days from and after its passage.

Approved April 18, 1873.

CHAPTER 860.

AN ACT to amend the charter of the town of Livermore, in McLean county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act passed 12th day of March, 1870, increasing the boundary of said town, be so amended that hereafter it shall not be lawful to collect taxes on any lands in the aforesaid increased boundary of said town used for farming purposes, and not laid off in town lots, for revenue of said town.

§ 2. This act shall take effect from and after its passage.

Approved April 18, 1873.

1873.

CHAPTER 861.

AN ACT repealing an act in regard to common schools in Carrollton, in Carroll county.

WHEREAS, The question was fairly submitted to the qualified voters of the common school district therein designated in August, 1872, after due notice as to the adoption of the provisions of said act, and as to conferring such power as was therein proposed to be conferred upon the trustees, and a majority of the qualified voters of said district voted against the same; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act, entitled "An act for the better organization of the public schools in the town of Carrollton, and to establish the common school district of Carrollton, in Carroll county," be, and the same is hereby, repealed, and the provisions of the general law in regard to common schools throughout the State be restored, and apply to the common school districts in Carroll county, in the same manner as if said local act had never been enacted.

§ 2. This act shall be in force from and after its passage.

Approved April 19, 1873.

CHAPTER 862.

AN ACT to amend the charter of the Newport and Dayton Street Railway Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Time of annual election changed.

§ 1. That an act approved January 25th, 1868, entitled "An act to incorporate the Newport and Dayton Street Railway," be so amended that the annual election of directors shall be held on the first Monday in June of each and every year hereafter, when five directors for said company shall be elected.

No increase of stock except by majority vote of stockholders.

§ 2. That the stock of said company shall not be increased by the board of directors beyond its present amount, nor shall any subsequent increase of stock be made until a majority in interest of the stockholders shall have voted for the same.

Action legalized.

§ 3. That notwithstanding the said company may have organized on a capital less than the minimum fixed by the charter, the same is hereby legalized, and declared valid.

§ 4. All acts or parts of acts in conflict herewith are hereby repealed.

§ 5. This act shall take effect and be in force from and after its passage.

1873.

Approved April 19, 1873.

CHAPTER 863.

AN ACT for the benefit of common school district No. 3, in Franklin county.

WHEREAS, There was no common school taught in district No. 3, in Franklin county, for the year 1869, and Samuel H. Bradley, by the consent and procurement of the trustees of said district, taught a common school therein for the period of ten months in the following year, (1870) at which all the children in said district were permitted to attend, and did attend, and said Bradley has never been paid for five months of the time taught in 1870; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the sum of sixty-eight dollars and eighty-three cents be, and the same is hereby, appropriated for the use and benefit of said Samuel H. Bradley, payable out of any surplus common school money belonging to Franklin county, and the Superintendent of Public Instruction is hereby authorized to certify to the Auditor, and direct payment of said sum, whenever the trustees of said school district shall report to him the facts in the foregoing preamble recited.

§ 2. This act to take effect from its passage.

Approved April 19, 1873.

CHAPTER 864.

AN ACT to amend an act, entitled "An act to incorporate the Lexington Building and Accumulating Fund Association."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the fourth section of an act, entitled "An act to incorporate the Lexington Building and Accumulating Fund Association," approved February 24th, 1872, be amended by inserting in the place of the word "ten," where it occurs in that section, the word "thirty," so that a stockholder may acquire and hold as many as thirty shares of stock in said association instead of only ten, as formerly.

§ 2. This act shall take effect from and after its passage.

Approved April 19, 1873.

1873.

CHAPTER 865.

AN ACT to amend an act to prohibit the sale of spirituous and intoxicating liquors in Rockcastle county, approved March the 1st, 1870.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Ale, beer, &c.,
allowed to be sold

Penalty for fraud
under act.

§ 1. That section one of an act, entitled "An act to prohibit the sale of spirituous and intoxicating liquors in Rockcastle county," approved March the 1st, 1870, be so amended as to allow the sale of ale, beer, and cider in quantities to suit purchasers, to be drank in moderation and not to excess: *Provided, however,* That any person availing himself of the privileges of this act, who shall sell or give any alcoholic or spirituous liquors, or mix the same with any such ale, beer, or cider, or other things so sold by him, such person shall suffer all the pains and penalties of the original act to which this is an amendment.

Penalty.

§ 2. That any person availing themselves of the provisions of this act and shall keep a disorderly house, such person or persons shall be subject to all the pains and penalties now pronounced by statute against tavern-keepers of this Commonwealth for keeping a disorderly house.

§ 3. This act to take effect and be in force from and after its passage.

Approved April 19, 1873.

CHAPTER 866.

AN ACT for the benefit of Lewis Plummer, jailer of Lewis county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Auditor of Public Accounts is authorized and directed to draw his warrant upon the Treasurer, in favor of Lewis Plummer, jailer of Lewis county, for the sum of seventy-nine dollars (\$79), to be paid out of any money in the treasury not otherwise appropriated.

§ 2. This act shall be in force from and after its passage.

Approved April 19, 1873.

CHAPTER 867.

AN ACT for the benefit of A. J. Cocanougher, late sheriff of Washington county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That A. J. Cocanougher, late sheriff of Washington county, have until the first day of July, 1873, to pay into

the treasury the balance due on the revenue of said county for the year 1872, and with which he is now chargeable as late sheriff of said county; and upon the payment of said revenue into the treasury, by said Cocanougher, against the said first day of July, 1873, he shall be released by the Auditor from all penalties and damages imposed by law for failing to pay said revenue into the treasury by the first day of April, 1873: *Provided*, That his securities on his official bond for said year shall appear in the county court of Washington county, and agree to be responsible on the bond of said sheriff for the full amount of said taxes which remain unpaid.

§ 2. That this act shall be in force from and after its passage.

Approved April 19, 1873.

CHAPTER 868.

AN ACT in relation to granting license for the sale of liquors in the town of Harrodsburg.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter it shall be lawful for the board of trustees of the town of Harrodsburg, and the county court of Mercer county, to grant a license to any tavern, saloon, or coffee-house keeper, or licensed merchant for the sale of spirituous or vinous liquors, or a mixture of either, in the said town.

Made lawful
for trustees to
grant liquor li-
cense.

§ 2. *Provided*, That before any such license is granted, the applicant therefor shall execute a bond to the Commonwealth, with good and sufficient sureties, conditioned that the person licensed shall not sell, give, or loan any liquor to an inebriate or minor; and shall not sell, give, or loan any liquor on the Sabbath day, or on an election day: *Provided further*, That before any person shall operate under the license granted by said trustees, he shall also pay to the county court clerk of said county the State tax due for the license issued by the county court; and shall execute to the Commonwealth the bond, with good and sufficient sureties, now required by parties licensed to sell liquors; said bond shall be executed in the county court.

Applicant to give
bond.

§ 3. Any person violating the provisions of this act shall be fined not less than fifty dollars and not more than one hundred dollars for each offense, recoverable by indictment in the Mercer circuit court, or by warrant before the police judge of said town, or the county judge of Mercer county.

Penalty for vio-
lating provisions
of law.

1873.

Rate of license
tax.

§ 4. Said board of trustees shall have power to charge, for each license issued by them, any tax not exceeding three hundred dollars.

§ 5. All acts or parts of acts in relation to the town of Harrodsburg, if inconsistent with this act, are hereby repealed.

§ 6. This act to take effect from its passage.

Approved April 19, 1873.

CHAPTER 869.

AN ACT to prohibit the sale of spirituous or vinous liquors in Nicholas county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Made unlawful
to grant retail
liquor license in
said county.

§ 1. That from and after the time this act takes effect, it shall be unlawful for the county court of Nicholas county, or any person or court, to grant a license to any person to sell whisky, brandy, spirituous, or vinous liquors, in the county of Nicholas, nor shall it be lawful for any tavern-keeper, merchant, [or] distiller to sell such liquors in quantities less than ten gallons, within the limits or jurisdiction of said county, except it be for medical use, and then only upon the written certificate of a practicing physician: *Provided*, That any person who, in good faith, may have obtained a license to retail spirituous liquors as now authorized by law may continue to do so until the expiration of the time for which such license was granted.

Penalty.

§ 2. Any person selling such liquors, in violation of the foregoing section, shall be fined one hundred dollars for each offense, to be recovered on indictment of the grand jury, the fines thus assessed and recovered to be collected as other fines, and shall inure to the benefit of the school fund for said county, shall be paid over to the school commissioner, who shall be liable on his official bond for the faithful application of the same to school purposes, and for failure shall be proceeded against as now provided by law.

Physician not
to make prescrip-
tion except as
medicine, and
not then until he
takes oath.

§ 3. It shall not be lawful for any resident physician of said county to grant a certificate to any one for the purchase of such liquors as a beverage, but only for use as medicine; nor shall he grant such certificate until he shall have appeared before the county court of said county, and taken an oath that he will, in good faith, conform to the provisions of this act; of the taking of any such oath a record shall be made in said court; and any physician violating the provisions of this act

shall be fined one hundred dollars for each offense, to be recovered and applied as in section two of this act.

1873.

§ 4. It shall be the duty of the clerk of the Nicholas county court, in preparing the poll-books for next August election, to prepare the same with the view of ascertaining the sense of the qualified voters of said county on the propriety of the adoption of this act, by inserting in said book a column in favor, and one against prohibition; the column in favor shall be headed "For Prohibition;" and the other "Against Prohibition;" and it shall be the duty of the sheriff of said county, or other officer acting in his stead, to inquire of every voter whether he votes for or against prohibition, and said sheriff and other officers of the election shall see that the vote is recorded as directed by the voter; and the examiners of poll-books for said county shall, on the day provided by law for the examination of poll-books, examine and certify the result of such vote, which certificate shall be returned by said examiners to the county court of said county, at its first term after said election; and if it appears therefrom that a majority of those voting have voted for prohibition, said court shall cause said certificate to be entered as a matter of record.

Question to be submitted to people.

Duties of officers of election.

§ 5. This act shall take effect and be in full force from the time of the recording of the certificate of the examiners in the county court as aforesaid.

Approved April 19, 1873.

CHAPTER 870.

AN ACT re-submitting "An act to prohibit the sale of spirituous, vinous, or malt liquors in Morgantown, or within one half mile of the corporate limits thereof," approved February 28, 1872.

WHEREAS, An act, entitled "An act to prohibit the sale of spirituous, vinous, or malt liquors in Morgantown, or within one half mile of the corporate limits thereof," approved February 28, 1872, has since been ratified and become operative through the action of the voters of said town and vicinity aforesaid; and whereas, some dissatisfaction exists as to the operations of said law; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the second section of the act recited in the preamble hereof, and approved February 28, 1872, be re-submitted by the trustees of said town of Morgantown to the qualified voters of said town, and within one half mile of the corporate limits thereof, for their re-affirmance or rejection, at the next August election; and if a majority of the votes cast shall be in favor of prohibition, then the

1873. act aforesaid shall remain in full force and effect; but if a majority of votes cast are against prohibition, then the said act shall be void and of no effect, and will stand repealed. Said votes to be taken at the place and in the manner of other elections.

Approved April 18, 1873.

CHAPTER 871.

AN ACT to amend an act, entitled "An act to amend and reduce into one the several acts concerning the town of Madisonville," approved February 13th, 1873.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

When police judge to be elected and his term of office.

§ 1. That section twenty-four of an act, entitled "An act to amend and reduce into one the several acts concerning the town of Madisonville," approved February 13th, 1873, be so amended as to read, that there shall be held an election on the first Monday in August, 1876, in said town, at such place, and at the same time every four years thereafter, as the board of trustees may appoint, and of which six days' previous notice shall be given in written or printed notices posted in three or more public places in said town by the town clerk, at which election there shall be elected a police judge, who shall hold his office for the term of four years, and until his successor is qualified.

Jurisdiction of police judge.

§ 2. That section twenty-five of said act be so amended as to read, that the jurisdiction of the police judge in civil actions and proceedings shall be concurrent with justices of the peace within the limits of and boundary of said town, and no more.

§ 3. That section twenty-eight of said act be so amended as to read, that the police court shall have original and concurrent jurisdiction with a justice of the peace within the corporate limits of the town of Madisonville, and no more.

When marshal to be elected and term of office.

§ 4. That section thirty of said act be so amended as to read, that there shall be held an election on the first Monday in August, 1874, and at the same time every two years thereafter, at which election there shall be elected, by the qualified voters of said town, a marshal, who shall hold his office for the term of two years, and until his successor is duly qualified.

Powers and duties of marshal.

§ 5. That section thirty-one of said act is so amended as to limit, confine, and restrict the powers and duties of the marshal of said town under the statutes of this Commonwealth; and his powers, his duties, and authority for discharging his duties, shall be limited in civil cases to the

town boundary of said town, and not co-extensive with Hopkins county.

1873.

§ 6. That all acts and parts of acts in conflict with the provisions of this act, are hereby repealed.

§ 7. That this act shall take effect and be in force from and after its passage.

Approved April 19, 1873.

CHAPTER 873.

AN ACT to impose additional tax on dogs in Bracken county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That each bona fide housekeeper in Bracken county shall be allowed to keep one dog free of tax, but shall be taxed for all other dogs over six months of age, owned or kept on the premises of said housekeeper, two dollars for the second dog kept on the premises, three dollars for the third, [and] four dollars for each additional dog. Tax on dogs.

§ 2. All persons who are not bona fide housekeepers shall be taxed two dollars for the first dog, over six months of age, owned or kept by them, three dollars for the second, [and] four dollars for each additional dog.

§ 3. Any person owning or keeping a female dog, not spayed, six months of age, shall be taxed three dollars for each, and shall be required to keep said dog confined during the time she is in "heat." Tax on female dogs.

§ 4. All persons failing to comply with the provisions of this act, shall not recover damages or costs from any person who may destroy the life of his or her dogs.

§ 5. The assessor of Bracken county shall annually, when taking the names of the tax-payers, take a list of the number of dogs, over six months of age, owned or kept about any one house in the county, and by whom owned or kept; and each person assessed shall make a statement on oath of the number of dogs owned or kept by him. Assessor to assess dogs.

§ 6. The assessor shall keep two separate lists, one for the names of white persons, and the number of their dogs, and one for the names of the colored persons, and the number of their dogs. Lists of dogs of whites and negroes to be kept separate.

§ 7. The sheriff of said county shall collect said taxes as other taxes, and pay the same to the common school commissioner, with a statement of the amount collected from white persons, and the amount collected from colored persons. Sheriff to collect tax.

§ 8. The commissioner shall distribute said taxes equally among the several school districts in the county, to be used in aid of the schools therein, giving the taxes collected How said tax to be disposed of.

1873. from white persons to their schools, and the taxes collected from colored persons to their schools.

§ 9. This act shall take effect on the first day of January, 1874.

Approved April 19, 1873.

CHAPTER 874.

AN ACT to amend an act, entitled "An act to establish a system of common schools in the town of Corydon, in Henderson county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section sixteen of an act, entitled "An act to establish a system of common schools in the town of Corydon, in Henderson county," be so amended as to exempt from taxation to each male resident property-holder property to the amount of one thousand dollars.

Tax exemption.

Per capita tax to be levied.

Question of tax to be submitted to people.

§ 2. That a per capita tax of six dollars shall be annually levied upon and collected from each white male adult resident within the said Corydon public school district; said per capita tax to be levied and collected for the same uses and purposes, at the same time, and in like manner with the annual property tax: *Provided*, That the question of a per capita tax shall be submitted to the white qualified voters of said town and district, at an election to be held by the trustees of said school, at a time and place to be fixed by them, after thirty days' notice; and if a majority of all the votes cast at such election be in favor of said per capita tax, the same shall be assessed.

§ 3. This act shall take place from and after its passage.

Approved April 19, 1873.

CHAPTER 875.

AN ACT to amend an act, entitled "An act to incorporate the Paducah, Blandville, and Columbus Gravel Road Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Company may select beginning point of road.

§ 1. That the act approved the — day of —, entitled "An act to incorporate the Paducah, Blandville, and Columbus Gravel Road Company," be, and the same is hereby, so amended as to authorize the said company to select the mouth or end of any one of the streets of the city of Paducah, pointing or running in a southwesterly direction, as the beginning point of said gravel road, instead and in lieu of the end of Broadway street, should the said company deem it advisable to make a change of the location of the beginning of said gravel road.

§ 2. That the said Paducah, Blandville, and Columbus Gravel Road Company shall have the right to take and receive, in part or in full payment of any stock that may be taken or subscribed along the line of said road, any lands which lie on said road, or not further from the said road than one mile, and for the purposes of disposing of any such lands to raise money to construct and build the said road, may, under the corporate seal of the said gravel road company, sell and convey, or mortgage or otherwise charge the same as may best subserve the interest of said company in the construction of said road or any part thereof.

1873.

May receive
lands in payment
of subscriptions
to stock.

Approved April 19, 1873.

CHAPTER 876.

AN ACT to authorize the county court of Harrison to appropriate money towards building a bridge on the Cynthiana and Ashbrook's Mills Turnpike Road.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court, a majority of the justices concurring, may appropriate such sum or sums of money as they may deem proper, towards erecting a bridge across Mill creek, on the Cynthiana and Ashbrook's Mills Turnpike Road.

§ 2. This act to take effect from its passage.

Approved April 19, 1873.

CHAPTER 877.

AN ACT to incorporate Asher Lodge, No. 531, of Free and Accepted Masons.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the members, and those who may hereafter become members, of Asher Lodge, No. 531, of Free and Accepted Masons, in the town of Salyersville, Magoffin county, Kentucky, be, and they are hereby, created a body-politic and corporate; and by that name and style shall have perpetual succession; and be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded; and shall have power to purchase, hold, and receive, by gift or otherwise, all such real and personal estate as may be necessary for the use of said Lodge; to receive all conveyances; to sell, convey, and dispose of any such real and personal

Name and style.

Corporate powers.

1873. estate as they may now hold or may hereafter acquire : *Provided*, The amount invested in real estate shall not exceed twenty-five thousand dollars at any one time.

Corporators' names. § 2. That the management of the concerns of said corporation shall be intrusted to the care of John F. Stewart, W. M., John W. Moore, S. W., and John M. Atkenson, J. W., and their successors in office, as trustees thereof, who shall have power to make all contracts concerning all real and personal estate of said corporation.

Corporate powers. § 3. That they may have and use a common seal, to use and amend it at pleasure ; but in selling and disposing of real estate, they shall not pass the title unless by the consent of a majority of the members of said Lodge, expressed and recorded on the books of the secretary of said Lodge. Said Lodge may make, from time to time, all laws, rules and regulations, for their government : *Provided*, Such laws, rules and regulations, do not conflict with the Constitution and laws of the United States and of the State of Kentucky, the Legislature reserving the right to alter or repeal this charter at pleasure ; but the alteration or repeal, whenever made, shall not deprive the corporation, or parties interested, of the property or effects acquired or held under this act.

§ 4. This act shall take effect from its passage.

Approved April 19, 1873.

CHAPTER 878.

AN ACT to incorporate a steam ferry company at the head of Island No. 1, on the Mississippi river, in Ballard county.

WHEREAS, Joseph C. Depoyster is the owner of a tract of land in the county of Ballard, at the head of Island number one, on the Mississippi river ; and whereas, in order that the public convenience may be subserved by the establishment of a steam ferry at said point, or some point on said land, to run to some point on the opposite side of said river, in the State of Missouri, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Corporators' names. § 1. That the said Joseph C. Depoyster, Thomas H. Corbett, and Andy Bodkin, and their associates and successors, be, and are hereby, created a body-politic, with power to sue and be sued, either at law or equity ; and Corporate powers. and are authorized and empowered to establish, at any point on the said land they may think proper, a steam ferry, to be run from said point to some point on the Missouri shore on the opposite side of the Mississippi river from said land, so long as they may run the same in such a manner as to fully accommodate the public interest ;

they are authorized to put such steamboat or boats in the said ferry service as they may think proper, and may use as many as they may desire, or may be required to accommodate the public; and they are authorized to make any arrangement they may think proper with any ferry company or companies from the said point on the Missouri shore, for the running of said ferry, when the same shall be so established; or they may rent the same, from year to year, or lease the same for such period as they may desire, or sell it at their pleasure.

§ 2. This act to take effect from its passage.

Approved April 19, 1873.

1873.

CHAPTER 879.

AN ACT to prohibit the sale of spirituous, vinous, or malt liquors in Lincoln county, and to take a vote on the same.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any person or persons to sell spirituous, vinous, or malt liquors, in the county of Lincoln, in less quantities than one barrel, when the liquor sold is whisky, nor less than ten gallons when the liquor sold is wine, beer, or ale: *Provided*, That druggists may, upon the written prescription of a regular physician, for medicinal purposes, sell liquors in small quantities, which prescriptions shall be kept on file by the druggists, subject to inspection by any one feeling him or herself injured by the sale of liquors by druggists.

Made unlawful to sell liquors by retail in said county except on physicians prescription.

§ 2. That before this act takes effect, so as to prevent the sale of liquors, the judge of the Lincoln county court shall, upon the petition of one hundred citizens of said county, cause a vote to be taken at all the voting places of said county, for the purpose of ascertaining the sense of the qualified voters, as to whether or not they are in favor of the provisions of the first section of this act: *Provided*, That when such vote shall have been taken, and declared by those authorized by law to compare the votes of said county that a majority of the votes cast at said election are in favor of the provisions of the first section of this act, then, and not before, shall said section be in force.

Question to be submitted to people.

§ 3. That the election provided for by this act shall be held by the officers authorized by law to hold elections for State officers, under the same rules and restrictions: *Provided*, That the sheriff of said county shall give at least twenty days' notice of such election by printed advertisements posted at all the voting places in said county.

Duties of officers of election.

1873.
Penalty for vio-
lation of law.

§ 4. That any person violating the provisions of this act shall be fined not less than one hundred nor more than two hundred dollars for each offense, upon indictment by a grand jury of said county and verdict of a standing jury.

§ 5. That this act shall take effect from its passage.

Approved April 19, 1873.

CHAPTER 880.

AN ACT to incorporate Mount Olive Encampment, No. 55, Independent Order of Odd Fellows, at Greenville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators' names.

Name and style.

Corporate powers.

§ 1. That Eugene Eaves, P. H. Baker, S. D. Chatham, E. G. Neel, John F. Rice, Adolph Morris, E. O. Pace, and Winfield C. Jackson, and their associates, be, and they are hereby, created a body-corporate, by the name and style of Mount Olive Encampment, No. 55, of the Independent Order of Odd Fellows; and they and their associates and successors shall so continue, and have perpetual succession; and by that name are made capable in law as natural persons to sue and be sued, plead and be impleaded, contract and be contracted with, answer and be answered, in all courts of law and equity in this Commonwealth; to make, have, and use a common seal, and the same to break, alter, or amend at pleasure. They may make and ordain regulations and by-laws for their government, and those now in force in said Encampment to alter when deemed proper, and may change and renew the same at pleasure: *Provided*, They be not in contravention of the Constitution, laws, and regulations of the Grand Encampment of the Independent Order of Odd Fellows, incorporated by an act approved February 16th, 1838, nor in contravention of the Constitution and laws of the United States or of this State. The said corporation shall have power and authority to acquire and hold real and personal estate, not exceeding twenty thousand dollars in value, and, from time to time, if deemed expedient, sell and convey the same, or any part thereof, and to reinvest and dispose of the proceeds.

§ 2. The right to alter, amend, or repeal this act is hereby reserved to the General Assembly.

§ 3. This act shall take effect from and after its passage.

Approved April 19, 1873.

CHAPTER 881.

1873.

AN ACT to authorize the Garrard county court to appropriate money to aid in building a hospital for small-pox patients, and to levy a tax therefor.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Garrard county, a majority of the justices of the peace in commission being present, be, and they are hereby, authorized to appropriate such a sum of money as they may deem necessary to purchase ground, build, or aid in building, a hospital, to be used for small-pox and other patients in said county; the said appropriation may be made at any regular term of the county court: *Provided*, Said sum of money thus appropriated shall not exceed fifteen hundred dollars.

County court
may build small-
pox hospital.

§ 2. The county court of said county, a majority of the justices concurring therein, may levy a per capita tax upon persons residing in said county, liable to pay per capita tax, of not more than seventy-five cents against any one person, until the amount appropriated, as provided for in the first section of this act, is raised. The taxes provided for in this act shall be collected as other county taxes are now collected.

May levy tax to
pay for same.

§ 3. This act shall take effect from its passage.

Approved April 19, 1873.

CHAPTER 882.

AN ACT for the benefit of Joseph E. Ratliff, sheriff of Pike county, for the year 1871.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Joseph E. Ratliff, sheriff of Pike county for the year 1871, be, and he is hereby, released from the payment of (\$30 89) thirty dollars and eighty-nine cents, the amount charged against him by the Auditor, under act of 22d March, 1871, for failure to pay the balance of revenue for said year into the Treasury on or before the 1st day of April, 1872.

§ 2. This act shall be in force from and after its passage.

Approved April 19, 1873.

CHAPTER 883.

AN ACT for the benefit of A. Portwood, sheriff of Anderson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor be instructed to draw his warrant

1873. upon the treasury for the sum of twenty dollars and six cents, for the benefit of A. Portwood, sheriff of Anderson county, to be paid out of any money in the treasury not otherwise appropriated; the same being the amount of damages assessed against and collected from said Portwood, under the law for failing to pay in the revenue of 1871 by the first day of April, 1872, as required by law.

§ 2. This act shall take effect from its passage.

Approved April 19, 1873.

CHAPTER 885.

AN ACT to establish and incorporate the town of Stroud City, in Muhlenburg county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Town incorporated.

§ 1. That the town of Stroud City, in Muhlenburg county, is hereby established and incorporated, with corporate powers and responsibilities.

Boundary.

§ 2. That the boundary of said town shall be one half mile in every direction from the center of the crossing of the Elizabethtown and Paducah Railroad and the Owensboro and Russellville Railroad.

Trustees—when to be elected, and term of office, and powers and duties

§ 3. The municipal affairs of said town shall be managed and controlled by five trustees, who shall be elected annually, by the qualified voters in said town, on the first Saturday in June of each year, by the male inhabitants of said town over twenty-one years of age, who have been bona fide inhabitants of said town sixty (60) days next preceding the election; and said trustees, when so elected and qualified, shall hold their office for one year, and until their successors are elected and qualified. That said trustees, before they enter upon the duties of their office, shall take an oath before some judge or justice of the peace to faithfully discharge the duties of their office. No person shall be eligible to the office of trustee of said town except a free white male person over the age of twenty-one years, and who has resided therein for sixty days next preceding his election.

Duties of chairman of board.

§ 4. The said trustees, after their election and qualification, [shall] elect one of their number chairman, who shall preside at their meetings, and have power to convene the board when, in his opinion, the interest of [the] town demands it. It shall be his duty to see that the ordinances and by-laws of said town are duly executed and put in force. The said trustees shall be known by the name of

Name and style.

"The Board of Trustees of the town of Stroud City," and shall be a body-corporate, and shall have power to contract and be contracted with, sue and be sued, plead and

be impleaded, answer and defend, and to do all such acts and things, either in law and equity, as bodies-politic and corporate, having perpetual succession, may rightfully do and perform.

1873.

§ 5. That the trustees of said town shall have power to lay off said town into necessary streets and alleys, and lots of convenient size; and a plan and map of said town, when so laid off, shall be recorded in the county clerk's office of Muhlenburg county, and receive all necessary conveyances in relation to said town. They shall have control over the streets and alleys and sidewalks of said town, which may be opened and recorded as aforesaid; may improve the same as they deem best. They shall have power to levy and collect an ad valorem tax upon the property of said town, not to exceed fifty cents on the one hundred dollars in any one year, and a poll-tax on each male, over twenty-one years of years, not exceeding two dollars in any one year.

Trustees to lay off streets, &c.

May levy taxes.

§ 6. Said trustees shall have power to tax auction sales, shows, and exhibitions for money or profit, such sums as they may, by their by-laws, declare; they shall have power to fine those who may violate their by-laws and ordinances any sum not exceeding twenty dollars for each offense, except for disturbance of religious worship, riots, routs, and breaches of the peace, when the penalty shall be the same as now provided by the statute law of this Commonwealth, which may be recovered before the police judge hereinafter provided for, or any justice of the peace for Muhlenburg county; they shall have power to declare what are nuisances, and remove the same; and to inflict a fine of one dollar or less on any member failing to attend the meetings of the board, and for good cause, two thirds of the trustees concurring, remove a member; they shall have power to fill all vacancies, to pass all by-laws and ordinances necessary for carrying into effect all the powers herein granted, and executing all the provisions of this charter.

May tax shows, auctions, &c.

§ 7. That it shall be the duty of said trustees to appoint a treasurer, clerk, and such other officers as they may deem necessary, and take from them respectively bonds, with approved security, payable to the board of trustees of Stroud City, and their successors in office, in such penalty as said trustees may direct, conditioned for the faithful discharge of their respective duties; and for a violation on the part of either of said officers, suits may be brought and motion made before any tribunal having jurisdiction thereof, in the same manner and under the same rules and regulations that suits are brought and motions made against other officers for failure of duty.

Trustees to appoint officers, and take bonds.

1873.

Police judge to
be elected, and to
take oath.

§ 8. That there shall be elected, by the qualified voters of said town, a judicial officer, to be styled the "Police Judge of Stroud City," who shall be commissioned as such by the Governor of Kentucky, who, before he enters upon the duties of his office, shall take an oath before the judge or some justice of the peace for said county, to discharge the duties of said office faithfully and impartially, to the best of his ability, without favor or affection, together with such other oaths as are required to be taken by public officers of like description.

Jurisdiction and
powers of police
judge.

§ 9. The said police judge shall have jurisdiction within the limits of said town concurrent with the justices of the peace for said county, of all civil causes that arise in said town, and all criminal causes arising in said town said police judge shall have the jurisdiction of a court of inquiry now given by law to justices of the peace, and shall proceed in like manner as said justices of the peace are required to proceed in criminal cases; he shall have exclusive jurisdiction of all offenses arising under the ordinances and by-laws of said town, and to award judgment and enter execution accordingly. And it shall be the duty of said police judge to keep a record of his proceedings, a copy of which shall be evidence, and shall have the same effect as records of justices of the peace. He shall have power to summon witnesses in causes pending before him, and upon their failure to attend, to issue compulsory process to compel their attendance. He shall have power to fine and imprison for contempt: *Provided*, That such fine shall in no case exceed five dollars, nor imprisonment ten hours. He shall have power to order the marshal to summon a jury in any case before him where a jury would be required before a circuit court or a justice of the peace. He shall be entitled to the same fees as those allowed to justices of the peace for like services, and collected in the same way.

To keep record
of proceedings.

Fees.

Treasurer and
clerk to keep re-
cords.

§ 10. It shall be the duty of the treasurer and clerk to keep a record of the proceedings which properly belong to their offices, and the treasurer shall render an account to said trustees of all moneys received and paid out by him, whenever by them required to do so.

Suits against
officers of town
to be before police
judge.

§ 11. The police judge shall have jurisdiction of all cases of motions and suits against the treasurer, marshal, clerk, or other officer of said town, for all sums of money or other thing that may be due from them, or either of them, to said town.

Where appeals
to lie from police
court.

§ 12. That from all judgments rendered by said police judge either party may appeal to the circuit or quarterly court of Muhlenburg county, under the same rules and regulations authorizing appeals from judgments of justices of the peace to the circuit or quarterly courts.

§ 13. That there shall, at the same time, and in the same manner, and by the same legal voters, in said town, be elected a marshal, who shall be required, before he enters upon the duties of his office, to take the oath of office required to be taken by law of constables, and shall execute bond, payable to the trustees of said town, conditioned for the faithful discharge of the duties of his office; and also to execute bond in the Muhlenburg county court, as now required by law of constables. A vacancy in the office of marshal shall be filled by the trustees of said town, until the next regular election for marshal, as provided for in this act.

1873.

Marshal—when elected, term of office, to give bond, and how vacancies in office to be filled.

§ 14. It shall be the duty of the marshal to serve all process and precepts to him directed from the said police judge, and make due return thereof, collect all taxes of said town, executions, and other demands which may be put into his hands to collect, and account for any pay over the same to whomsoever entitled thereto, under the same rules and regulations required by law of sheriffs in the collection of taxes, and of constables in the collection of executions and other demands; and for a failure to perform any of the duties required of him, he shall be subject to the same proceedings which may be had against sheriffs or constables in similar cases. The said marshal shall have the same power, and be entitled to the same fees, for collecting the town tax, that sheriffs have for collecting the county levy, and in all other cases the same fees allowed constables for similar services: *Provided, however,* That the said police judge shall have power and authority to direct his process to be executed by any constable or sheriff of the county of Muhlenburg; said marshal shall be vested with the power and authority which is given to constables in all cases before said police judge; he shall have power, if need be, to summon the power of the county to aid him in executing any process to him directed; any person failing or refusing to aid said marshal, when so summoned, may be fined or imprisoned by said police judge, the fine not to exceed five dollars, or imprisonment ten hours.

Duties of marshal.

Fees.

§ 15. That all fines and forfeitures for a violation of the ordinances or by-laws of said town, in all cases before said police judge, shall be collected and paid to the treasurer of said board of trustees for the use and benefit of said town.

Fines, &c., to be paid to town treasurer.

§ 16. That no money shall be drawn from the treasury, except by order of the chairman, in pursuance of allowances made by said board of trustees.

How funds to be drawn from town treasury.

§ 17. That the trustees shall annually appoint one town assessor, who shall make a list of all the taxable property in said town, and of each inhabitant taxable, and

Trustees to appoint assessor, and his duties.

1873. owner of property, and affix against each separately the amount of his, her, or their whole estate, within said town, subject to taxation under the laws of this Commonwealth, which list shall be taken in the same manner that the revenue lists are now or may be hereafter taken.

Clerk to make out and deliver to collector assessment list.

§ 18. It shall be the duty of the clerk of the board of trustees to make out, and deliver to the collector, a fair copy of the assessor's book, with the amount of tax to be paid by each individual, and take his receipt therefor, and the trustees by their warrant shall authorize and direct the same to be collected, and shall make said clerk and assessor such compensation as they may think proper.

Ordinances to be recorded and published.

§ 19. The trustees shall cause all by-laws and ordinances passed by them to be recorded in the journal of their proceedings, and have posted up a copy of the same at three of the most public places in said town.

May cause sidewalks to be paved &c.

§ 20. That said trustees may cause the sidewalks in said town to be curbed and paved as they may direct; the cost thereof may be apportioned and assessed against the owners of said lots fronting on said sidewalks, and a lien is given on said lots for the same.

Trustees to appoint officers of town elections.

§ 21. It shall be the duty of the trustees in every year, at least ten days before the annual election, to appoint two competent persons as judges of the election, who, being first sworn, shall, in conjunction with the clerk of the board, hold an election for trustees as herein provided. And if the said trustees at any time should fail or refuse to appoint the judges for conducting the election as aforesaid, the county court of said county shall, at the next or some succeeding county court, on the application of any one, appoint judges and clerk to conduct said election and fix a day therefor in accordance with the time specified in this act.

Lien to exist for town taxes.

§ 22. That for any tax to be levied under this act a lien shall exist in favor of the trustees upon any real or personal property in said town for their payment; and should any one fail to pay the tax assessed against their property on or before the first day of December in each year, it shall be lawful to sell said property for the amount of the tax due and unpaid, and which shall vest the purchaser with the right to hold the same: *Provided*, That the owners of any such real estate sold, their executors, heirs, or agents, within two years redeem the same, by paying or tendering the amount of tax for which it sold, and interest at the rate of ten per cent per annum from the time of sale until payment or tender; and if not so redeemed within the two years aforesaid, said trustees shall convey said real estate to the purchasers, their heirs or assigns. That infants, idiots, lunatics, and married women shall

have two years to redeem after their disabilities are removed.

1873.

§ 23. That the first election for police judge and marshal shall be held on the first Monday in August, 1873, and for police judge every four, and for marshal every two years thereafter; that the term of office for the police judge shall be four years, and that of marshal two years, elected as aforesaid.

When first election for officers to take place.

§ 24. That none of the offices mentioned in this act shall be incompatible, except the office of police judge and marshal, and they shall be incompatible.

§ 25. That all prosecutions for a violation of the ordinances and by-laws of said town shall be in the name of the Commonwealth of Kentucky, for the use of the board of trustees of the town of Stroud City.

§ 26. That any justice of the peace living in said town shall have jurisdiction concurrent with the police judge of said town to try all offenses for violations of the provisions of this act and the ordinances and by-laws of said town.

§ 27. This act shall take effect and be in force from and after its passage.

Approved April 19, 1873.

CHAPTER 886.

AN ACT to incorporate the Mt. Sterling Gas-light Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Wm. C. Magowan, Wm. Hoffman, W. H. Winn, O. L. Tenny, Wm. Mitchell, Richard Apperson, and P. H. Roach, and their associates, successors, and assigns, be, and they are hereby, constituted a body-corporate and politic, by the name of the Mt. Sterling Gas-light Company; and by that name and style shall have perpetual succession, with power to contract and be contracted with, sue and be sued, in that name, in all the courts of law or equity in this Commonwealth. They may adopt and keep a common seal, which they may alter or change at pleasure.

Corporators' names.

Name and style.

Corporate powers.

§ 2. That the capital stock of said company shall be forty thousand dollars, each share to be one hundred dollars; but the capital stock may be increased to the sum of one hundred thousand dollars, whenever, in the opinion of the company, as expressed by the board of directors, the business of the company may require such an increase.

Capital stock.

- 1873.** § 3. It shall be the duty of the persons named in the first section of this act to open books for the subscription of stock, and, after the sum of ten thousand dollars shall have been subscribed, to call a meeting of the stockholders, first giving public notice for ten days in a newspaper in Mt. Sterling of said meeting, who may proceed to elect a president and four directors to govern and direct the affairs of said company. Each director and the president shall be the owner of at least one share of the stock of said company, and each stockholder shall be entitled to one vote for each share he may own, in the election of president and directors, who shall hold their offices for such times as the stockholders, at the first annual election, may prescribe, and until their successors are elected and qualified. Said election shall be held in Mt. Sterling at such place as may be designated in the notice therefor, and the office of said company shall be at Mt. Sterling.
- Duties of corporators.
- When company may organize.
- Term of office of directors.
- § 4. The board of directors may prescribe such rules and regulations, not inconsistent with the Constitution and laws of this State and of the United States, and the provisions hereof, as they may deem necessary for the transaction of the business of said company, and may appoint such agents as they may deem proper.
- May make by-laws, &c.
- § 5. Said company may purchase, receive, acquire, and hold and use, any property of any description, which may be necessary for the erection of such machinery, houses, or things as may be required by them to supply the city of Mt. Sterling with gas.
- May acquire and dispose of property.
- § 6. That said company shall have the power to contract with the city of Mt. Sterling for supplying said city with gas, upon such terms as may be agreed upon; and the municipal authorities of said city may, and are hereby authorized to, contract with said company to supply said city with gas-lights; and said company is hereby granted the right to lay down its gas-pipes through the streets and alleys of Mt. Sterling, and to erect all necessary buildings and machinery, in such manner as may appear to them necessary to furnish gas-light to any persons, on such terms as the said company and such persons may agree upon.
- May contract with Mt. Sterling to supply it with light.

Approved April 18, 1873.

CHAPTER 887.

1873.

AN ACT for the benefit of Thos. H. Curd, Geo. W. Nell, and W. J. Page.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasurer in favor of Thomas H. Curd for fifty-six dollars, in favor of Geo. W. Nell for twenty-two dollars, and in favor of W. J. Page for twenty-two dollars (for services rendered in arresting J. K. Wilson, alias Legg, at Columbia, and conveying him to Frankfort), payable out of any money in the Treasury not otherwise appropriated.

§ 2. This act shall be in force from and after its passage.

Approved April 18, 1873.

CHAPTER 888.

AN ACT repealing an act preventing the setting of nets, seining, &c., in the streams or parts of streams in the counties of Trimble and Carroll.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all laws preventing the setting of nets, drawing of seines, &c., for the purpose of catching or destroying fish in the streams or parts of streams in the counties of Trimble and Carroll, are hereby repealed.

§ 2. This act to take effect from and after its passage.

Approved April 18, 1873.

CHAPTER 889.

AN ACT to change the boundary line of the town of Clinton, in Hickman county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the boundary line of the town of Clinton, in Hickman county, is hereby changed, so as to exclude and put outside of the limits of said town all that portion of the real estate of Robert Moore north of Town branch and east of Clay street.

§ 2. This act shall take effect from and after its passage.

Approved April 18, 1873.

1873.

CHAPTER 890.

AN ACT in relation to persons convicted of penal offenses in Union county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Persons found
guilty of penal
offenses to work
out fines on roads

§ 1. That it may be lawful for the judge of the Union circuit court, the presiding judge of the Union county court, or the police judge of the towns of Morganfield, Caseyville, or Uniontown, in Union county, to order any person or persons, who may be convicted of a penal offense in the said circuit court, or before the said presiding judge, or any justice of Union county, or before either of the said police judges, and who shall fail to pay the fine or fines imposed against him or them, to work upon the public roads of Union county, under the supervisor of public roads or any of his assistants, or any contractor for work on said roads. The said person or persons to be allowed a credit of two dollars per day for such labor, and shall be required to work long enough to pay the full amount of their fines.

Jailer to furnish
lodging for such
prisoners.

§ 2. The jailer of Union county, or the keeper of the station-house in said town, shall be required to furnish lodging in the jail or station-house, and to furnish sustenance for such person or persons whilst at work, and during Sundays or other intervals when not at work: *Provided*, That for every Sunday or day not employed in laboring on the roads, said person or persons shall be allowed a credit of two dollars on his or their fine.

§ 3. That this act shall take effect from and after its passage.

Approved April 18, 1873.

CHAPTER 891.

AN ACT to pay expenses for certain services rendered by Sergeant-at-Arms of House Representatives.

WHEREAS, An investigation by a special committee of the House of Representatives, in regard to certain rumors as to the Feeble-minded Institute, and that the expenses of said investigation committee, including mileage and per diem of witnesses, amounts to the sum of two hundred and seventy dollars and twenty-seven cents; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts draw his warrant on the Treasury in favor of R. A. Thomson, for the sum of two hundred and seventy dollars and twenty-seven

cents, to be paid out of any money in the Treasury not otherwise appropriated. 1873.

§ 2. This act to take effect from and after its passage.

Approved April 18, 1873.

CHAPTER 892.

AN ACT to amend an act, entitled "An act to reduce into one the several acts in relation to the town of Frankfort, and for other purposes."

WHEREAS, There is some doubt and confusion in regard to the location of corners and course and width of the streets in that portion of the city of Frankfort, Kentucky, known as South Frankfort :

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the board of councilmen of the city of Frankfort be, and they are hereby, authorized and empowered to select three discreet citizens of said city, who shall be owners of real estate in said city, and two of whom shall reside in South Frankfort, as commissioners, and a competent surveyor or civil engineer, to procession the streets, and locate the centers of the intersections thereof, in that portion of the city of Frankfort south of the Kentucky river, and known as South Frankfort. Said commissioners and surveyor or engineer, before entering upon the discharge of their duties under this act, shall take an oath before the county judge of Franklin county to faithfully and impartially perform their duties under this act.

Council to select commissioners to resurvey streets in South Frankfort.

Commissioners to take oath.

§ 2. Said commissioners and surveyor or engineer shall, as soon as convenient after their appointment and qualification, as provided for in the first section of this act, go upon the ground in South Frankfort, and with proper instruments, and the best evidence that they can obtain, proceed to procession and lay off the streets in South Frankfort according to the original survey thereof, and find as near as may be the centers of the intersections of said streets, and mark or have the same marked in some durable manner, to be indicated by the board of councilmen of the city of Frankfort; but before proceeding to act, the said commissioners shall give at least ten days' notice, by three insertions in the "Kentucky Yeoman," of the time they will begin said processioning.

Duties of commissioners.

§ 3. That after the streets in South Frankfort shall have been processioned, and the centers thereof ascertained and marked, as is provided for in the first and second sections of this act, the board of councilmen for the city of Frankfort shall be, and they are hereby, authorized to determine and establish what shall be the width of any or all of said streets, not exceeding the original width as

After survey is made, council may determine width of streets.

1873. laid out, properly name the same, cause the same to be laid off upon the ground, and the corners of the squares to be properly marked.

May sell and convey extra width of streets, and condemn lands where streets are too narrow.

§ 4. The said board of councilmen of the city of Frankfort shall be, and they are hereby, empowered to sell, and by the mayor of said city convey, any parts or portions of the streets in South Frankfort that may lie outside of the width of the streets as determined and fixed by said board, and to purchase or condemn, by proceedings similar in every respect to those now provided by law to condemn lands for a public highway, for the use of said city as a street, any ground found to be in the width as determined upon for said streets, which shall be owned or adversely held by others: *Provided, however,* That nothing herein shall be held or construed to impair the right of said board of councilmen to sue for and recover any streets or parts of streets which shall, by the processioning provided for in the first and second sections of this act, be found to be in the possession of any one who shall refuse to give up the possession thereof.

§ 5. This act shall take effect from and after its passage.

Approved April 18, 1873.

CHAPTER 893.

AN ACT to prohibit the submission of the question of taxation for railroad purposes in the county of Henry.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter it shall not be lawful for the county judge of Henry county to submit the question of taxation for railroad purposes to the voters of said county without further legislation.

§ 2. This act shall take effect from its passage.

Approved April 18, 1873.

CHAPTER 894.

AN ACT for the benefit of Sanford Goin, of Franklin county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts is hereby directed to draw his warrant on the Treasury in favor of Sanford Goin, of Franklin county, for three hundred dollars (\$300), for ice furnished for State officers, to be paid

out of any money in the Treasury not otherwise appropriated.

1873.

§ 2. This act to take effect from and after its passage.

Approved April 18, 1873.

CHAPTER 895.

AN ACT to amend an act, entitled "An act for the benefit of William H. Miller and others, sureties of Q. C. Shanks, late sheriff of Ohio county," approved February 3, 1870.

WHEREAS, It is represented to this General Assembly that the homestead property of Phocian Morgan, of Ohio county, one of the sureties on the bond of Q. C. Shanks, late sheriff of said county, was sold under executions from the Franklin circuit court in several suits of the Commonwealth against said Shanks and his sureties, and that said property was purchased by S. E. Hill, agent for the State, for the sum of five hundred and eighty-five dollars and fourteen cents; and whereas, it is further represented that all judgments and claims of the Commonwealth against said securities have been satisfied, either by payments on the part of some in cash, and of others by the purchase of property under execution by the State; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act for the benefit of William H. Miller and others, sureties of Q. C. Shanks, late sheriff of Ohio county," approved February 3, 1870, be, and the same is hereby, so amended and construed as to release to Phocian Morgan, one of the sureties on the bond of Q. C. Shanks, late sheriff of Ohio county, the homestead property in the town of Hartford, which was sold under several executions which issued from the Franklin circuit court, in suits of the Commonwealth against said Shanks and his sureties, upon the payment, within five years from the passage of this act, of the sum of five hundred and eighty-five dollars and fourteen cents (\$585 14), with interest from the 7th of November, 1870, until paid; and then the title to the same shall vest in him in the same manner it did before the sale was made; and said Morgan shall have the use and possession of said property as long as he has the right to redeem the same.

§ 2. This act shall take effect from its passage.

Approved April 19, 1873.

1873.

CHAPTER 896.

AN ACT to amend an act, entitled "An act to incorporate the Princeton, Marion, and Ohio River Railroad Company," approved March 28, 1872.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

May build and extend railroad and telegraph lines.

§ 1. That an act, entitled "An act to incorporate the Princeton, Marion, and Ohio River Railroad Company," approved March 28, 1872, be, and the same is hereby, so amended that the said Princeton, Marion, and Ohio River Railroad Company may, in addition to the railroad and telegraph it is now authorized to build, build and extend its railroad and telegraph line from the town of Princeton, in Caldwell county, to the city of Hopkinsville, in Christian county, or to the line between the States of Tennessee and Kentucky, in the general direction of the city of Clarksville, in the State of Tennessee. And said company shall have all the rights, powers, and privileges in making or building such additional line, that it would have had, had such power to build such additional road and telegraph line been embraced in said act to which this is an amendment. And said company may submit propositions for subscription for stock in said company to counties, districts, precincts, towns or cities through or near which said additional line may run, or may be proposed to run, in the same manner and with the effect as it may to counties, districts, precincts, towns or cities through or near which said original line of road may run.

May consolidate with other companies.

§ 2. The said Princeton, Marion, and Ohio River Railroad Company may agree upon terms for the consolidation of its stock, property, and business and affairs, and may consolidate same with any other railroad company in or out of the State of Kentucky; but such contract of consolidation shall not be binding or go into effect until same shall have been approved by the vote of a majority in value of the stock of said Princeton, Marion, and Ohio River Railroad Company: *Provided*, Such consolidation shall not in any way affect the rights of the holders of mortgage bonds issued by said company prior to said consolidation.

Question of subscription of stock to be submitted to people of city, town, or district.

§ 3. That it shall be lawful for propositions for subscription to the capital stock of said Princeton, Marion, and Ohio River Railroad Company, to be submitted to any county, district or districts, precinct or precincts, city or town, on same day or at same election, or in conjunction with any proposition for subscription to the capital of any other railroad company.

§ 4. This act shall be in force from its passage.

Approved April 19, 1873.

CHAPTER 897.

1873.

AN ACT to extend the time of signing the bill of exceptions in the case of Carlisle Hunt's heirs vs. Elisha Long and Elizabeth Gray, in Greenup circuit court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That further time is hereby given the defendants in the case of Carlisle Hunt's heirs vs. Elisha Long and Elizabeth Gray, now or lately pending in the Greenup circuit court, to make up and present their bill of exceptions to the judgment therein against them for the signature of the circuit judge of said court; and the time hereby extended shall be and include all of the next September term, 1873, of said court, within which said bill of exceptions may be presented and signed, to have the same effect as if made up and signed at any time since said judgment. The manner of making up and signing said bill shall be and remain as now provided by law, except as herein enacted.

§ 2. This act shall take effect from its passage.

Approved April 19, 1873.

CHAPTER 898.

AN ACT to incorporate the Nicholasville Building and Accumulating Fund Association.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Samuel Noland, L. D. Baldwin, Denton Hoover, A. Sears, Aaron Smith, D. B. Curd, E. J. Young, J. M. Parris, M. T. Lowry, W. Dickerson, Moreau Sparks, R. S. Price, E. R. Sparks, P. Rarrack, J. M. Matingly, Hamlet Mizner, Wm. Rice, A. L. McAfee, and S. S. Mizner, be, and they are hereby, constituted a body-corporate, under the name and style of the Nicholasville Building and Accumulating Fund Association; and by that name may sue and be sued, implead and be impleaded; shall have succession; have a common seal, and alter or change the same at pleasure; may acquire and hold real and personal estate, and sell and convey the same; and shall possess such other powers as are consistent with the objects of the association.

Corporators' names.

Name and style.

Corporate powers.

§ 2. The officers of the association shall be a president, vice president, solicitor, secretary, and treasurer, and thirteen (13) directors; and until the first general election of officers hereinafter provided for, Samuel Noland shall be president; P. Rarrack, vice president; S.

Officers.

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Elections of
officers.

S. Mizner, solicitor; L. D. Baldwin, secretary; Denton Hoover, treasurer; and the other corporators above named shall be directors. In elections for officers, and transaction of other business, each member present at the meeting shall be entitled to one vote: *Provided*, That women and infants, members of the association, may vote by proxy—married women and children by their husbands and guardians, other women by any member of the association selected by them, in writing, to act for them.

Capital stock.

§ 3. The capital stock of said association shall be three hundred thousand dollars, to be divided into shares of three hundred dollars each, and to be paid by the stockholders in weekly installments of one dollar each week for each share of stock until said installments, with their net accumulations, shall amount to said sum of three hundred dollars for each share, or at the expiration of five years from the first election of officers, whether said shares have amounted to said sum or not, there shall be a distribution thereof to the stockholders, and a liquidation of its affairs; and after that its corporate powers and existence shall only continue to settle up its unsettled business and affairs.

Duties of corpo-
rators.

§ 4. The corporators above named shall open books for the subscription of said stock, and may adopt, so far as it has progressed, the subscription already made in anticipation of this act; and whenever three hundred shares shall be subscribed, said association may go into operation. Other shares may subsequently be subscribed until the whole stock is taken, the subscribers thereto being required to pay the back installments corresponding with those paid by the original subscribers, with interest at such rate, not exceeding ten per cent., as the association may prescribe in its by-laws: *Provided*, That no stockholder shall acquire or hold, at any time, more than ten shares of said stock. Said stock shall be transferable on the books of the company as may be provided in its by-laws.

Object.

§ 5. The object of said association being to enable its members, by their savings and accumulations, to acquire homes and other property, its business shall be to loan its capital stock as paid in and the accumulations thereof, only upon mortgages and liens upon real estate ample in amount to secure the same, preference being given in all cases to members of said association; and said loans shall be made at such rate of interest, not exceeding ten per cent., as may be agreed by the parties thereto together.

Corporators to
call meeting to
elect officers.

§ 6. As soon as practicable after the association is ready to go into operation, as provided in section four of this act, the corporators shall call a meeting of the stockholders, giving reasonable notice of the time and place of such meeting, for the election of officers, who shall serve

for one year and until their successors are elected and enter upon the discharge of their respective duties. Annually thereafter, at such time as may be fixed by the by-laws to be adopted by the stockholders, the officers shall be elected; and said stockholders shall have authority to pass and make any by-laws for the government of said corporation not inconsistent with this charter or the laws of this State, or the Constitution of this State or the United States.

1873.

Elections to be annual.

§ 7. Said corporation may provide in its by-laws what penalties shall attach for failure to pay the installments of stock at the times fixed therefor, and shall have full power to enforce such penalties, whether the same shall be by fine or forfeiture of such shares. It may also provide upon what terms members deserving to do so may withdraw from the association; and it may also direct what officers shall be required to execute bonds with security, for the faithful performance of their duties, and the amount of penalty in said bonds. And said bonds, when executed, shall be fully binding upon the obligors thereto, and may require the payments quarterly, in advance, of five cents per week on each share, to meet current expenses, and also fix an initiation fee of one dollar on each share.

Board to fix penalties for failing to pay for stock.

Powers of directors.

§ 8. The officers and directors may adopt any rules for conducting the business of the association, not in conflict with this charter, the by-laws of said association, laws of Kentucky, or the Constitution aforesaid.

§ 9. Said corporation shall have power to issue and sell or hypothecate its bonds, with coupons or interest warrants attached, for any sum not exceeding the capital stock actually paid up, and make the same payable at such time and place as may be deemed most advisable; but such bonds shall not bear a rate of interest exceeding ten per cent. per annum, to be paid annually or semi-annually, as said corporation direct: *Provided, however,* That no bonds shall be so issued without the unanimous consent of the stockholders.

May issue bonds and secure same by mortgage.

§ 10. This act shall take effect from and be in force after its passage.

Approved April 19, 1873.

CHAPTER 899.

AN ACT to amend an act, entitled "An act to authorize the second school district, in Hickman county, to levy and collect a tax for school purposes."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section second of an act, entitled "An act

1873.

Trustees may
annually levy and
collect tax for
school purposes.

authorizing the trustees of school district No. 2, in Hickman county, to levy and collect a tax for school purposes," approved March 10th, 1871, be so amended as to read as follows, viz : Said trustees shall annually make an estimate of the amount of money necessary to maintain said school, including the amount drawn annually from the common school fund ; and may levy and collect, from each inhabitant of said district over the age of twenty-one years, and from the parent or guardian of each minor of the scholastic age, the sum of one dollar per head per annum ; and the remainder necessary for the purposes aforesaid may be by the trustees levied and collected from the personal and real estate within said district, as returned by the assessor of Hickman county for revenue and county levy purposes.

Powers and
liabilities of col-
lector.

§ 2. That the collector provided for in the act to which this is an amendment shall, for the purpose of enabling him to perform and discharge the duties of such collector, be vested with all the powers of a sheriff under similar circumstances, and proceed in like manner as is by law prescribed for sheriffs in the collection of the State revenue, and liable to like responsibilities with sheriffs for any failure of duty or defalcation in office.

§ 3. All provisions of the act to which this is an amendment, inconsistent with this act, are hereby repealed.

§ 4. This act shall take effect from and after its passage.

Approved April 19, 1873.

CHAPTER 900.

AN ACT to incorporate the Central Club.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Corporators'
names.

Object.

Name and style.

Corporate pow-
ers.

§ 1. That R. L. Coleman, Jno. B. Pirtle, S. Calhoun Smith, Eli H. Murray, Chas. S. Snead, jr., James Miller, C. W. McAfee, Edgar Hill, Albert Stokes, Thos. J. Martin, jr., H. Victor Newcomb, and Clayton Slaughter, of the city of Louisville, and their associates, for the purposes of social enjoyment, improvement, and hospitality to strangers visiting the city, be, and are hereby, created and made a body-politic and corporate, under and by the name of the Central Club.

§ 2. That the said corporation by said name may sue and be sued, in any of the courts of the Commonwealth ; it may contract and be contracted with, in all matters concerning its business as a club ; it may have and use a private seal, and break and alter the same at will ; it may adopt such constitution and by-laws as may be necessary

for its organization under this charter; and it shall have all the general rights, privileges, and liabilities of incorporated bodies.

1873.

§ 3. The Central Club may take and hold by gift, purchase, grant, devise, or bequest, personal property to the value of twenty-five thousand dollars, and real property to the value of fifty thousand dollars; but the said property shall be used as a club-house and its appendages and appurtenances, and for the purpose of supporting and carrying on the said corporation alone; and the said corporation shall not engage in any other business save that of conducting and controlling the club and the club-house.

May acquire and dispose of property.

§ 4. This act to take effect from its passage.

Approved April 19, 1873.

CHAPTER 901.

AN ACT to prohibit the retail of spirituous, vinous, or malt liquors in the towns of Hudsonville, Constantine, and Cross Roads, in Breckinridge county, or in any part of said county within six miles of either of said towns.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for the county court of Breckinridge county, and for the trustees of the towns of Hudsonville, Constantine, and Cross Roads, in said county, or either of them, to grant a license to any person to sell by retail any spirituous, vinous, or malt liquors, in either of said towns or places, or in any part of Breckinridge county, within six miles of either of said towns or places, except the county court may grant license to merchants, druggists, and distillers to sell in quantities not less than a quart, to be taken away and not drank in the house, on the premises, or adjacent thereto.

Made unlawful to sell less than a quart of liquor in said districts.

§ 2. That if any person shall, without a license therefor, sell by retail any spirituous, vinous, or malt liquor in less quantities than ten gallons, in any of said towns or places, or within six miles of either of them, he or they shall be liable to the penalties now prescribed by law for retailing spirituous and vinous liquors without license, and be proceeded against as now provided for by law: *Provided*, That such persons as now have license shall not be liable under this act while such license is in force: *Provided further*, That before this act shall become a law there shall be an election held in said town of Hudsonville, on the first Saturday in June next, at which all the qualified voters within so much of the boundary named in this act as is in Breckinridge county, shall have the right to vote;

Penalty.

Act to be submitted to people.

1873.

Duties of officers
of elections.

and the judges of said election shall open on the poll-book two columns, one headed for the sale, by retail, of spirituous, vinous, and malt liquors, and the other against the sale, by retail, of spirituous, vinous, or malt liquors; and the question shall be asked every voter, whether he is for or against it, and his vote shall be entered on the poll-book as the voter shall vote; and the county court of Breckinridge county shall, at its May term, 1873, appoint two discreet persons, qualified voters, residing in said boundary in Breckinridge county, judges of said election, and a qualified person, who is a voter, residing in said boundary and county, clerk, who, together with the sheriff of said county or his deputy, shall hold said election in the mode and manner other elections are held; and the poll-book shall be returned by the sheriff or deputy to the county court judge of said county, and said county judge, sheriff, and the clerk of the county court of said county, shall examine and compare the poll-book and certify the result, signed by them, which shall be filed by said clerk in his office, and safely kept by him. It shall be the duty of the sheriff to post up notices of said election at Hudsonville, Constantine, and Cross Roads, and at three other public places in said boundary, ten days before said election. If a majority of the voters voting at said election shall vote against the granting of license to sell, by retail, spirituous, vinous, or malt liquors, then this act shall take effect and be in force as the law upon that subject,

§ 3. That this act shall be in force from its passage.

Approved April 19, 1873.

CHAPTER 902.

AN ACT to incorporate the Lockport Odd Fellow and Masonic Building Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators'
names.

Name and style.

§ 1. That E. D. Jones, J. C. Douthit, W. W. Rowlett, R. C. Cabbage, Wm. White, J. M. Roberts, and John Clements, and their associates that may subscribe stock for the purpose of purchasing grounds and erecting buildings at Lockport, Henry county, Kentucky, whenever the sum of fifteen hundred dollars shall have been subscribed, shall be a body-politic and corporate, to be styled the Lockport Odd Fellow and Masonic Building Company (Lockport O. F. & M. B. Co.), with power of contracting and being contracted with, legalizing and confirming such contracts heretofore made; of suing and being sued; to have and use a common seal, and renew and alter the same at

pleasure; to purchase, receive conveyances of real estate, hold, sell, and convey all such real estate as may be necessary and requisite in the management and conducting of the business of said company; and to have all the usual powers incident to corporations of like character.

1873.

Corporate powers.

§ 2. The capital stock in said company shall not be less than fifteen hundred dollars, nor more than five thousand dollars, divided into eight dollars thirty-three and a third cents each; and if two hundred shares or more have been already, or may be hereafter subscribed, the subscribers may proceed to organize.

Capital stock.

§ 3. The prudential and fiscal affairs of said company, and the management and control of its property, shall be vested in eight directors, elected annually by the stockholders, on such day of the year as the said directors may designate; each share of stock giving to the stockholder one vote, which must be cast by him in person or by proxy. The directors may elect a president, secretary, and treasurer from among their number, and the president and directors shall have power to fill any vacancies in office until the next regular election.

Business affairs to be controlled by directors.

§ 4. The stock shall be payable at such times, and in such manner and amounts, as the president and directors may deem proper. The president and directors may cause books of subscription to be kept open until the whole amount of five thousand dollars is taken, or they may sell and dispose of the stock.

Stock—when and how subscribed.

§ 5. The president and directors may purchase grounds or houses, building materials, may build, lease, sell, rent, and convey the same; but transfers or purchases of real estate by the board of directors must first be submitted to a vote of the stockholders, and a majority of said stockholders shall control the actions of said board of directors.

Powers of directors.

§ 6. The president and directors shall have power to appoint from among their number a superintendent, and require of the treasurer bond, with approved surety, for the faithful performance of all the duties of his office. The president and directors shall have power to pass by-laws for the management and government of the officers and affairs of said company; and they shall cause annual statements to be made out, showing the financial condition of said company, which shall be filed with the secretary for examination by the stockholders.

To appoint officers and require bond.

§ 7. The president and directors shall have power to cause the payment of any arrears in subscription of stock, and may cause to be forfeited the stock of any person who fails or refuses to pay the calls as they are made, after giving the subscriber ten days' notice thereof; and no stockholder shall, in any meeting of the stock-

How stock may be forfeited.

1873. holders, have a vote so long as he or she is in arrears of the call made by the president and directors.

No individual liability of stockholders.

§ 8. The stockholders, after they have paid the full amount of the stock subscribed by them, shall not be individually liable for any debt or obligation or contract entered into by the corporation.

Additional duties of directors.

§ 9. That said persons mentioned in the first section of this act shall be the first board of directors of said corporation, and shall organize, by choosing one of their number president; but if any of the said persons shall fail to subscribe for as much as three shares of said capital stock, or to pay in on account thereof as prescribed, his or their place or places as director may be deemed and treated as vacant, and the vacancy or vacancies filled by the remaining directors; and no person shall at any time be president or director in said corporation who does not own at least three shares of said capital stock; and said president and directors shall provide by the by-laws for the annual election of directors, after one year from the first organization of the corporation; and the president and directors shall always hold office until their successors are duly elected and qualified.

May make by-laws, &c.

§ 10. The president and directors shall, from time to time, make all necessary by-laws, rules and regulations, and alter and amend the same, not in contravention of the Constitution and laws of the United States and the Constitution and laws of Kentucky, for the government of the corporation, and the conduct of its business; and may provide for administering oath, and taking bonds from the officers and employees to secure the faithful performance of their duties.

§ 11. The corporation hereby created is not empowered to, but prohibited from, the loaning of money at a greater rate of interest than is or may be permitted by the laws of this Commonwealth.

§ 12. This corporation, so far as it is empowered to engage in the purchase of grounds and houses, and the erection of buildings, &c., is unlimited in the term of its continuance.

§ 13. This act shall take place from and after its passage.

Approved April 19, 1873.

CHAPTER 903.

1873.

AN ACT to amend the charter of the city of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section eighty-eight of an act, entitled "An act establishing a new charter for the city of Louisville," be amended so as to read as follows: No person shall be eligible as trustee of said schools who has not attained the age of thirty years, and is not the owner of real estate or a housekeeper; who is not a citizen of the United States, a competent voter, and a bona fide resident of the ward for which he may be chosen, or who has not been a resident of the Commonwealth of Kentucky for five years, and of the city of Louisville three years next preceding his election; and if, after election, any member of said board of trustees should move out of the ward for which he was chosen, or become a candidate for, or accept any office, the holding or discharging of which would render him ineligible, his seat shall thereby be vacated, and the vacancy supplied as hereinbefore provided.

Qualifications of
school trustees.

Approved April 19, 1873.

CHAPTER 904.

AN ACT for the benefit of the Baptist Church of Bedford, in Trimble county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That William L. Coleman and Ira Newkirk, trustees for the Baptist Church of Bedford, in Trimble county, are hereby authorized to sell and convey the property now owned by said church, real or personal, for the purpose of paying the debts of said church, and hold any surplus left in their hands subject to the order of said church; and should a reinvestment of the surplus be ordered, it shall be held in trust for the use and benefit of the Baptist Church of Bedford, in Trimble county.

§ 2. This act to take effect from its passage.

Approved April 19, 1873.

CHAPTER 905.

AN ACT to amend an act incorporating the Williamstown Odd Fellows' Hall Company.

WHEREAS, By an act of the General Assembly, approved on the 24th day of January, 1870, there was incorporated

1873. a company, by the name and style of the Williamstown Odd Fellows' Hall Company, for the purpose of erecting within Williamstown, Grant county, Kentucky, a building to furnish Centurion Lodge, No. 100, Independent Order of Odd Fellows, a hall; and whereas, said company have purchased a lot within said town and have erected thereon a building; and whereas, said company is involved in debt on account of the purchase of said lot and erecting said building; and whereas, said property was, in the year 1872, listed by the assessor of said county for taxation; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the said hall company be, and they are hereby, released from the payment of the taxes heretofore assessed against their said property, and from all liabilities on account of the non-payment of the same.

§ 2. That the property of said hall be, and the same is hereby, forever exempt from taxation.

§ 3. This act shall take effect from its passage.

Approved April 19, 1873.

CHAPTER 906.

AN ACT for the benefit of H. C. Parrish, of Barren county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county line between the counties of Barren and Hart be so changed as to include the residence of Henry C. Parrish, where he now lives, in the county last named.

Approved April 19, 1873.

CHAPTER 908.

AN ACT to authorize the election of police judge and town marshal in the town of Brownsville, in Edmonson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustees of the town of Brownsville, in Edmonson county, are hereby authorized to cause a special election to be held by the qualified voters of said town to fill the vacancy that now exists in the offices of police judge and town marshal in said town, and to fill any vacancy that may hereafter exist in said offices, or either of them, at any time after giving notice of such election, as required by an act, approved March 6, 1872, to which this is an amendment.

Police judge
and marshal to
be elected.

§ 2. That the officers elected under this act shall hold their offices until their successors shall be elected, and qualify at the next regular election, as provided for in said act of March 6, 1872.

1873.

Terms of office.

§ 3. That this act shall be in force from its passage.

Approved April 19, 1873.

CHAPTER 909.

AN ACT for the benefit of C. M. Hanks and Samuel Spradlin, of Wolfe county.

In the year 1868 the home farm of C. M. Hanks, and the home farm of Samuel Spradlin, of Wolfe county, were sold for the revenue due from said county for the years 1861 and 1862, at which sale the State became the purchaser by its duly authorized officer; and the right of redemption to the said lands having expired,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That if the said Hanks, or any one for him, shall, within three years from the passage of this act, pay into the Treasury of the State the full balance of the revenue due from Wolfe county for the years 1861 and 1862, including interest and cost, the title to said home farm of said Hanks, and the title to said home farm of Samuel Spradlin, shall reinvest in said Hanks and Spradlin respectively, as full and complete as if no sale thereof had ever been made for the said revenue.

§ 2. This act shall take effect from its passage.

Approved April 19, 1873.

CHAPTER 910.

AN ACT to amend the charter of the city of Maysville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the city council of the city of Maysville shall have power to license and tax insurance companies, agents of insurance companies, and all other agents, peddlers, pawnbrokers, and dealers in gift enterprises, doing business within said city, to prescribe the license fee and tax, or either or both, to be paid, and the terms and conditions upon which such license may be granted, with power to enforce this authority by ordinances.

City council to tax certain persons doing business in said city.

§ 2. That the city council shall have power to appoint the board of equalization for said city in January or Feb-

Council to appoint board of equalization, and its duties.

1873.

Council to
appoint assessor,
who shall give
bond.

Compensation of
assessors, &c.

Council may
purchase prop-
erty and establish
graded schools.

May issue bonds
for said purpose.

May sell city
property to pay
bonds.

May establish,
and make regula-
tions to govern,
colored schools,
levy tax on col-
ored people, fix
number of trust-
ees, &c.

ruary each year, and may by proper ordinances require said board to grade and value all the real estate and improvements thereon, should there be any, before the assessment is made; which graduation and valuation, if made, shall be a criterion for the assessor in making his valuation of the same. The said board shall have the same power to sit after the assessment is returned, and to pass upon the same, as is now prescribed by law. The city council shall appoint the assessor in the months of January or February each year, and require him to take the oath of office, and give bond for a faithful performance of his duties. The council shall have power to appoint assistant assessors, and shall require oath of office and bonds of them. The city council may, by ordinances, prescribe the forms and manner of assessment, and the time at which it shall be done. The council shall allow a fair compensation to the assessor, assistant assessors, and board of equalization for their services; and all laws requiring the assessor for the city to be elected by the people, are hereby repealed.

§ 3. That the city council shall have power to purchase real estate suitable for a union public graded school for said city, and for the purpose of buying the same and erecting suitable buildings thereon, the council shall have power to issue and sell bonds of the city to an amount not exceeding \$50,000, the bonds to be in such sums as the council shall designate, and to bear interest at not exceeding eight per cent. per annum, payable semi-annually, at such times and places as may be stipulated in the bonds and coupons; the interest on said bonds to be provided for each year by a tax levied for that purpose; and a failure and refusal on the part of council to make such provision for the payment of the interest, and finally for the principal of said bonds, shall render the individual members of said council so failing and refusing, personally responsible for the same. The bonds may run for any length of time not exceeding twenty years. The city council shall have power to sell and convey any or all of the present school property or other real estate owned by the city, and apply the proceeds thereof toward paying for the said union school property.

§ 4. That the city council shall have power to establish and govern by ordinances public schools for the colored children of said city, between the ages of six and twenty years, and to levy, collect, and set apart for that purpose the same taxes upon the persons and property of the colored people in said city as they levy and collect upon the persons and property of the white people in said city, for public schools. The council shall prescribe the number of colored trustees for such schools,

and the time and mode of electing or appointing them, giving such colored trustees power to levy and collect a *pro rata* tax upon the parents, guardians, or other persons sending pupils to said schools, if necessary, to make up any deficiency that may arise in paying for teaching the same, over and above the amount realized from the tax levied by the council, as above provided; the said trustees shall have power to appoint one of their number, or the teacher, collector of the *pro rata* tax levied by them. The council shall prescribe the qualifications and mode of examining the teachers for the colored public schools, and generally shall have power by ordinances, not inconsistent with law, to enforce this section, so as to make these schools efficient for the purposes contemplated.

§ 5. That it shall be lawful for the mayor of the city of Maysville to order all offenders against the ordinances of said city, who may be convicted by the authority of law and fail to pay the fines imposed against them, to work upon the streets of said city, under the marshal, street commissioners, or internal improvement committee of said city, instead of the work-house provided in the charter of said city. The city council shall have power to erect, establish, and keep station-houses in said city, and confine offenders therein for breach of ordinances, instead of the county jail: *Provided*, That nothing herein shall do away with the power of confining prisoners in the jail as heretofore provided by law, should the mayor or council so order.

May cause offenders to work out fines on street

May erect station-houses, and use same in place of jail.

§ 6. This act is not to take effect until accepted and approved by the city council, by an order entered on their journal, and the council may accept and approve it as a whole, or any section thereof, in the manner aforesaid; and the whole, or such sections as may be accepted and approved, shall be in force from and after such acceptance and approval by the council.

Approved April 19, 1873.

CHAPTER 911.

AN ACT to incorporate the town of Norton, in Hopkins county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the boundary of land embraced in the survey and plat of the town of Norton, in Hopkins county, at the crossing of the Evansville, Henderson, and Nashville Railroad and Elizabethtown and Paducah Railroad, be, and same is hereby, established as a town, by the said name of Norton; and A. W. Brasher, T. C. Taliaferro, J. F. Page, E. S. Baker, and L. W. Taliaferro, are hereby ap-

Trustees—term of office and powers.

1873. pointed trustees of said town, and shall hold their office until the first Saturday in July, 1873, and until their successors are elected and qualified, and enter upon the discharge of the duties of their office. On the said first Saturday in July, 1873, the said parties named as trustees shall cause an election to be held in said town, by the qualified voters residing therein for thirty days prior thereto, for five trustees, a police judge, and town marshal of said town, who shall hold their offices for one year, and until their successors shall be inducted into office. And on the first Saturday in July of each year the trustees of said town shall cause a similar election for said officers to be held. The time and place of each election shall be advertised for at least ten days prior thereto, by written or printed notices posted at three or more public places in said town. The board of trustees shall appoint two of their number to hold each election, who shall certify the poll-book thereof. And the board of trustees shall, within three days after each election, examine and compare the poll-book, and declare by order on their records the person or persons elected to each office. The poll-books of such election shall be deposited and safely kept in county clerk's office in Hopkins county.

Name and style.

Corporate powers.

§ 2. The board of trustees of said town and their successors in office are hereby created a body-politic and corporate, by the name and style of the "Board of Trustees of the Town of Norton;" and by that name may sue and be sued, plead and be impleaded, contract and be contracted with, in all courts and places in this Commonwealth; may have and use a corporate seal, and break or alter same at pleasure. The prudential and financial affairs of said town shall be vested in and controlled by the board of trustees. They shall elect one of their number chairman, who shall preside at all meetings, and sign all orders and proceedings of the board. They shall elect a clerk, who shall keep a full and correct record of all proceedings of the board, and shall have charge of all records and papers of said board. The board of trustees shall have power to adopt such by-laws and ordinances for the government of said town, and for the preservation of the peace and good morals thereof, as they may deem proper, not inconsistent with the Constitution and laws of this State or of the United States, and may enforce same by proper penalties. They shall have charge of the streets and alleys and public property of said town, as designated by said plat, or which may be hereafter established.

Powers and duties of police judge.

§ 3. There is established in said town a court, to be known as the "Police Court of Norton," to be held by the police judge of said town, elected as hereinbefore pro-

vided, who shall be commissioned by the Governor, and shall be known as the police judge of Norton. He shall be a conservator of the peace, and shall have all the powers of a justice of the peace in the issual of warrants for the arrest of persons charged with criminal or penal offenses, and shall have the powers of a single justice of the peace in examining trials. The said court shall have jurisdiction for the trial of all persons upon charges of the violation of the by-laws or ordinances of said town. In cases in which the proceeding is for a violation of the by-laws or ordinances of said town, the process shall be directed to the town marshal of Norton, and in all other cases to the sheriff, constable, or marshal, and in all cases shall run in name of the Commonwealth of Kentucky. All fines for breach of the by-laws or ordinances of said town shall be for the benefit of said town, and shall be paid to the town treasurer, or to such person as may be, by said board of trustees, authorized to receive same.

1873.

§ 4. The town marshal of said town shall execute bond, with good and sufficient surety, to be approved by the board of trustees, which bond shall be to the Commonwealth of Kentucky, and shall embrace similar stipulations and conditions as bonds required by law to be executed by constables; and upon which suit may be instituted for any breach thereof, by any person injured thereby. The said marshal shall exercise the same powers and duties, as required by law of constables, in all proceedings in said police court for breach of the by-laws and ordinances of said town; and shall have all the powers of a constable in making arrests upon charges of breach of the criminal or penal laws; and shall collect all taxes which he may be ordered by the board of trustees to collect, and for that purpose shall have similar powers as allowed by law to sheriffs in making distraint for such taxes, and he shall pay same over as may be directed by the board of trustees.

Powers and duties of marshal.

§ 5. The term of office of the trustees and of the town marshal shall begin immediately upon the certificate of their election by the board of trustees, and of the police judge upon being commissioned by the Governor; and each of said officers shall, before some officer authorized to administer oaths, take the oath required by the Constitution of this State, before entering upon discharge of their duties.

Trustees' term of office.

§ 6. The board of trustees shall have power to grant coffee-house license, with privilege of selling spirituous, vinous, or malt liquors, by drink or otherwise, in said town, and to charge and collect a tax therefor, the amount of such tax to be fixed by order of the board, and when collected, shall be for the use of said town; but no privi-

May grant coffee-house license.

1873. leges shall be exercised under such license until the tax upon license required to be paid to the State shall have been paid.

§ 7. The board of trustees shall have the power to levy, upon the property in said town, a tax of not exceeding fifty cents upon each one hundred dollars in value in any one year, and a poll-tax of not exceeding one dollar and fifty cents upon each tithable in said town in any one year, which tax shall be collected by the town marshal. And with a view to the levying of such tax, the board of trustees may appoint an assessor to take a list of the taxable property and tithables in said town; and they may make such allowance to the assessor and town marshal for their services as they may deem just.

§ 8. The board of trustees may, with the funds of said town, grade, pave, and improve the streets, sidewalks, alleys, and public property of said town, as they may deem best.

§ 9. The police judge of said town shall be entitled to the same fees as a justice of the peace for similar services; and the town marshal shall be entitled to the same fees as a constable for similar services.

§ 10. The board of trustees shall cause the survey and plat of said town to be recorded in office of clerk of Hopkins county court, and shall pay for same out of town treasury.

§ 11. The board of trustees may appoint a treasurer, who shall execute bond, with surety to be approved by the board, and whose term of office shall be one year; and may be removed by the board at pleasure.

§ 12. This act shall be in force from its passage.

Approved April 19, 1873.

CHAPTER 912.

AN ACT to incorporate the Transylvania Street Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That F. K. Hunt, Jas F. Robinson, jr., D. S. Goodloe, W. W. Bruce, Wm. Cassius Goodloe, James H. Mulligan, and John A. Prall, be, and they are hereby, incorporated as a body-politic and corporate, under the name and style of the Transylvania Street Railroad Company; and under that name shall have perpetual succession; may sue and be sued, contract and be contracted with; may have a common seal, and alter the same at pleasure; and may acquire and hold such real and personal estate as they may deem necessary and suitable in the prosecution

of their business, and sell and convey the same at pleasure.

1873.

§ 2. The business of said company shall be to construct and operate a street horse railway on Mulberry street, in the city of Lexington, extending in each direction to the limits of the city, and one intersecting the same on Main street, between such points as may be determined on; and with power to extend their business by constructing and operating a line of their road on Broadway, and lines on cross streets connecting the same with said road on Mulberry: *Provided*, That said railway shall not be built upon any street without a vote of the council of said city authorizing the same; and having due regard to the vested rights of turnpike companies interested, they may extend their road, on either of said lines, outside of the city limits, as far as the first toll-gates on either of said turnpikes.

Business of company.

§ 3. In the transportation of persons and baggage and freight on their road, said company shall have all the rights, and be subject to all the legal responsibilities of common carriers, and in enforcing the collection of fares, and the observance of order in their cars.

To be common carriers.

§ 4. The capital stock of said company shall be a sum not less than fifteen thousand dollars, which may be increased, from time to time, by the directors, to a sum not exceeding seventy-five thousand dollars, which stock shall be in shares of one hundred dollars each, and shall be transferable by the holder thereof on the books of said company.

Capital stock.

§ 5. The business of said company shall be managed by a board of seven directors, who shall elect from their number a president and may appoint such other officers and agents as they may, from time to time, deem necessary and proper, and until their successors shall be elected by the stockholders; the corporators named in the first section of this act shall be the board of directors, and may at any time meet and organize as such, and elect their president; and in case of the death, resignation, or refusal to act of either of said corporators, the vacancy shall be filled by the remainder; and hereafter all vacancies in the board shall be thus filled, and the persons thus appointed shall continue in office till the next general election.

Directors to control affairs, appoint officers, &c.

§ 6. Said corporators, or any two of them, may, at any time, open books for the subscription of stock in said company, which subscriptions shall be binding upon the subscribers thereto; and when as much as one hundred shares shall be subscribed, said corporators shall call a meeting of stockholders by notice in one of the newspapers published in Lexington, at which seven directors shall be

Corporators' powers and duties.

1873. elected, to whom, and their successors, the management of the business of the company shall be intrusted; and said directors shall hold their office for one year, and until their successors shall be chosen. On the same day as that on which first election is held, in each succeeding year, the annual election shall thereafter occur: *Provided*, That if, for any cause, an election shall not be held on that day, the directors shall, as soon as practicable thereafter, designate another day for the same, of which due notice shall be given. At all elections of said company each stockholder shall be entitled to one vote for each share of stock he holds, upon which all calls have been paid, which vote he may cast in person or by written proxy.

May receive donations as bonuses.

§7. Said company may receive, in addition to the subscription of stock, donations by way of bonus, either in money or real or personal estate, conditioned upon the road being completed and operated upon any specified lines; and all obligations to make such donations shall be fully binding upon the obligors thereto, according to the terms and conditions thereof.

Man issue bonds and secure same by mortgage.

§8. Said company shall have power to issue and sell its bonds, in such form and of such amounts, and payable at such times and places as it may deem best, not exceeding, in the aggregate, thirty thousand dollars, and bearing interest at a rate not exceeding ten per cent. per annum, and may execute a mortgage upon its property and rights and franchises to secure the same, which mortgage may be foreclosed as other mortgages are; and the purchaser or purchasers at any sale made to foreclose the same shall, upon the confirmation thereof, become fully invested with all the property, rights and franchises that may be thus sold.

May make by-laws, &c.

§9. Said directors may adopt by-laws for the management of their business, and may alter the same from time to time, prescribing the duties of such officers and agents as they may select, their compensation and tenure of office, and all rules and regulations they may find necessary in the prosecution of their business, provided said by-laws shall not be in conflict with this act or with the Constitution or laws of this State or the United States.

§10 This act shall take effect from and after its passage.

Approved April 19, 1873.

CHAPTER 913.

1873.

AN ACT to incorporate the Harlan County Mining and Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Edward Morris Davis, William James Linton, John G. Eve, David Miller, and Henry Corbit Davis, and their associates and successors, are hereby created a body-politic and corporate, under the name and style of Harlan County Mining and Railroad Company; and by that name shall have perpetual succession; contract and be contracted with, sue and be sued, plead and be impleaded, in all courts and places; have a common seal, and alter the same at pleasure; and may purchase, hold, sell, and convey such real and personal estate as may be necessary for carrying on the business and accomplishing the objects and purposes for which the said company is formed.

Corporators' names.

Name and style.

Corporate powers.

§ 2. The objects and purposes of said company are the development of the mineral and agricultural resources of its lands, the building and operating railroads, and other roads, for communication and transport, and the settling of individuals and families on said lands, with suitable arrangements, co-operative or other, in accordance with the laws of Kentucky, for their well being, and the protection and advancement of their interests.

Object and purposes of corporation.

§ 3. To carry out the objects and purposes aforesaid, the said company shall have full power to erect and establish iron or steel works, anywhere within the county of Harlan, or in the adjoining counties, where it may own or acquire mineral lands; to dig and mine for coal, iron ore, or other mineral deposits, necessary in the business of said company; to take out, extract, smelt, refine, reduce, manufacture, and prepare for market, any or all of said mineral deposits or products; to conduct manufactures of iron or steel; to transport or send to market, either in a raw or manufactured state, the products of their business, and sell them in or out of this State; to buy, erect, or construct all forges, furnaces, workshops, depots, and other buildings, and all machinery, fixtures, and appurtenances deemed necessary and proper for carrying on its business; it shall have power to locate, construct, and operate railroads, plank roads, or common roads, or any or either, to and from any of the works or mines of said company to any railroad now existing, or to any railroad which may be hereafter constructed through or near any of its lands, works, or mines, or to any navigable river in the county of Harlan, or adjoining counties, and may build bridges over the streams which their roads may cross; and may acquire the land, timber, rock,

General powers of corporation.

1873. or any material necessary or requisite for said roads and bridges; and the right of way and use of lands or quarries, either by agreement with the several proprietors, or by having the same condemned to the use of said company; and in the condemnation thereof for any road or railroad, and in the location, construction, and operation of such roads or railroads, with all requisite appendages, said company shall have the powers which are provided in chapter one hundred and three of the Revised Statutes, entitled "Turnpike and Plank Roads." When such roads, railroads, or bridges shall be used by other parties for travel or transportation, said company may charge and collect such rates of toll as the board of directors may determine, not exceeding the rates permitted by law to be charged by other corporations specially chartered to furnish such facilities for travel and transportation.

Capital stock.

§ 4. The capital stock of said company shall not exceed one million of dollars, to be divided into shares of one hundred dollars each, which shall be personal property, and evidenced and transferred as may be prescribed by the by-laws of said company. The persons named in this act shall constitute the first board of directors; they, or a majority of them, shall have power to open books for subscriptions to the stock of said company, prescribe the terms of subscription, the time and manner of payment, and the time, manner, and grounds of forfeiture of stock subscribed, but not paid for, as required by the calls; and they may forfeit the stock of the defaulting stockholder, or collect the installments by suit, as they may elect; they may adopt such by-laws for the regulation and government of said company as they deem expedient, not inconsistent, however, with the Constitution and laws of this State, nor inconsistent with the Constitution and laws of the United States. When the sum of one hundred thousand dollars shall be subscribed, and such portion thereof paid in cash as the directors may require, the company shall be deemed fully organized, and may proceed with its business.

General powers of directors.

§ 5. The board of directors shall have the general management of all the business of said company, and may exercise any and all the powers hereby granted to the corporation; they may increase the capital stock of the company from time to time, as they may deem expedient, either by new subscriptions, sales, or otherwise, to the extent of the limit named in section four of this act; they may, from time to time, pay dividends in stock or in cash, from the profits of their business, and may distribute the net receipts and proceeds of sales among the stockholders *pro rata*, or may retain them to be applied in extending the operations of the company; they may borrow money

upon the bonds or other evidences of debt of the company, in such sums, and payable at such times and places, and at such rates of interest, not exceeding eight per cent per annum, as they may deem expedient, and may execute mortgages or deeds of trust, upon any or all of the property and franchises of the company to secure the payment of such debt as may, from time to time, be created: *Provided, however,* That said directors or managers shall not have power to borrow any money on the strength of the common property of the company, nor create any debt or lien upon the same, without first obtaining the consent of two thirds of the stockholders, and the personal liability of the managers.

1873.

§ 6. Provision shall be made by the by-laws of the company for the election, by the stockholders, of a board of directors, of not less than five nor more than nine members; and such election shall be held annually. Each share of stock shall entitle the holder thereof to one vote at any and every meeting of the stockholders, and may be voted in person or by proxy. No person shall be eligible as a director unless he shall, when elected, own at least five shares of stock, fully paid up. The directors, when elected, shall severally hold their offices for one year, and until their successors are elected and qualified. They shall choose one of their number president. The board of directors may fill any vacancy or vacancies, occurring from any cause, in said board between the annual elections. Less than a majority of all the directors, including the president, shall not constitute a quorum for the transaction of business.

Provision to be
made for elections
of officers, &c.

§ 7. The principal office of said company shall be at the county seat of Harlan county, or at the county seat of one of the adjoining counties; and branch offices, agencies, or depots may be established at other points within or out of this State. The meetings of stockholders or directors may be called and held at the principal office, or at any agency of the company. The board of directors shall have power to elect or appoint a secretary, treasurer, and such other officers and agents as they may deem expedient, and may fix their salaries, prescribe their duties, and the time of employment; and may require and take from any of them bonds, with good security, for the faithful discharge of their respective duties.

Principal office.

§ 8. This act shall take effect from its passage.

Approved April 18, 1873.

1873.

CHAPTER 914.

AN ACT for the relief of the stockholders of the Evansville, Henderson, and Nashville Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Stockholders to have same rights in consolidated company as in original.

§ 1. That the holders of the certificates of the capital stock of the Evansville, Henderson, and Nashville Railroad Company, which company has been consolidated with the former Edgefield and Kentucky Railroad Company, and with other railroad companies, forming a through line from St. Louis to Nashville, under the name of the St. Louis and Southeastern Railway Company (consolidated), shall, upon exchanging their said certificates of stock, whether common or preferred, for similar certificates of equal amounts in said consolidated company, become entitled to and invested with all the rights and privileges in the said consolidated company which belonged to them as stockholders of the said Evansville, Henderson, and Nashville Railroad Company.

Counties heretofore subscribing to have stock in new company.

§ 2. That, notwithstanding the said consolidation, the several counties and cities who shall have subscribed to the stock of the said Evansville, Henderson, and Nashville Railroad Company, shall have the same right to receive stock from the said consolidated company as they had to receive it from the said Evansville, Henderson, and Nashville Railroad Company.

Certain acts legalized.

§ 3. That the limitation upon the power of the said Evansville, Henderson, and Nashville Railroad Company to issue mortgage bonds, contained in section ten of the act of its incorporation, passed 27th January, 1867, is hereby modified so as to legalize any issues of mortgage bonds of the said consolidated company to an extent not exceeding twenty-one thousand dollars per mile of the track of its railroad.

Act not to interfere with acts heretofore legally done.

§ 4. That anything embraced and contained in this act shall not be held or construed as in any way affecting the rights and interest of Christian county as a stockholder in the Evansville, Henderson, and Nashville Railroad Company, nor any stockholder in said Evansville, Henderson, and Nashville Railroad Company who voted against said consolidation, or who failed to vote for said consolidation as claimed by this act; nor shall anything in this act embraced and contained be held or construed as in any way affecting any suit or suits heretofore instituted and now pending in the name of Christian county against the said Evansville, Henderson, and Nashville Railroad Company, or said Evansville, Henderson, and Nashville Railroad Company and others, as defendants in any court, or which may hereafter be instituted in the name of Christian county, or in the name of said county and others,

against the said Evansville, Henderson, and Nashville Railroad Company and others, for the purpose and objects of protecting and maintaining the rights and interest of Christian county as a stockholder in the said Evansville, Henderson, and Nashville Railroad Company.

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§ 5. This act shall take effect immediately.

Approved April 19, 1873.

CHAPTER 915.

AN ACT amending an act, approved February 6, 1873, entitled "An act partitioning the Fairfield and Samuels' Depot Turnpike Road, and out of the same incorporating the Fairfield and Cox's Creek Turnpike Road Company, and the Samuels' Depot and Cox's Creek Turnpike Road Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act act, approved February 6, 1873, entitled "An act partitioning the Fairfield and Samuels' Depot Turnpike Road, and out of the same incorporating the Fairfield and Cox's Creek Turnpike Road Company, and the Samuels' Depot and Cox's Creek Turnpike Road Company," be, and the same is hereby, amended, and said Fairfield and Samuels' Depot Turnpike Road is partitioned as follows, to wit: That Elisha F. Wells, Peyton Wigington, Felix N. Pitt, and Samuel Bell, take so much of said road as lies east of the west bank of Cox's creek; and that Wilson Samuels, Dent S. Pash, Orion Cox, William B. Samuels, William R. Gates, and Josiah Robey, take all of said road that is situate west of Cox's creek, beginning on the west bank of said creek.

§ 2. This act shall be in force from its passage.

Approved April 18, 1873.

CHAPTER 916.

AN ACT for the benefit of common school district No. 1, in Lawrence county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustees of the common school district number one (1), in Lawrence county, be, and they are hereby, authorized to levy and collect a tax in said district, to enable them to establish and maintain a first-class school in said district, for the term of not exceeding ten months in each year: *Provided*, That this tax shall not be levied until the question of levying the same shall have been submitted to the qualified white voters of said district, and a majority have voted in favor of the same.

Trustees to levy and collect tax for school purposes.

Act to be submitted to people.

1873.

Rate of tax.

§ 2. That said trustees are hereby authorized to levy and collect a tax for school purposes, upon all the taxable property in said district, not exceeding forty cents upon each one hundred dollars' worth of taxable property; and they may for the same purpose levy a capitation tax upon all legal tithables in said district, not exceeding one dollar and fifty cents upon each person for any one year: *Provided*, That the property of negroes shall not be taxed under this act: *And provided further*, That no poll or capitation tax shall be assessed hereunder upon persons of African descent.

How funds to be used.

§ 3. All sums collected by said trustees, by poll or capitation tax, shall be set apart by them and used for the purpose of erecting or purchasing a suitable school-house for said district. They may in their discretion collect, loan out, or deposit said money so collected, for such time as they may deem proper, until a sufficient sum is collected to enable them to erect or purchase said school-house: *Provided*, That before the erection of said school-house the said trustees may devote any part of said fund, not exceeding seventy-five dollars per year, for the purpose of renting a building suitable for a school-house.

Sheriff to collect tax.

§ 4. The taxes authorized to be levied under the provisions of this act shall be collected by the sheriff of Lawrence county, who shall be responsible for his actings hereunder upon his bond as sheriff. He shall pay the taxes so collected by him to the trustees, and for a failure so to do within the time required by law, he may be proceeded against by said trustees in like manner as he might be proceeded against for failing to pay over county levy collected by him.

§ 5. That the provisions of an act, entitled "An act to cause good school-houses to be erected in the eighth and ninth congressional districts," approved March 10, 1871, be, and the same is, repealed, so far as the same affects the said school district aforesaid; and all laws inconsistent with this act, affecting said district, are hereby repealed.

§ 6. This act to take effect from its passage.

Approved April 18, 1873.

CHAPTER 917.

AN ACT to repeal the fourth section of an act, entitled "An act to incorporate the Lee County Lumbering, Mining, and Manufacturing Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section four of an act, entitled "An act to incorporate the Lee County Lumbering, Mining, and Man-

ufacturing Company," be, and the same is hereby, repealed.

1873.

§ 2. This act shall take effect and be in force from its passage.

Approved April 18, 1873.

CHAPTER 919.

AN ACT to amend the charter of the Eminence and Fox Run Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the charter of the Eminence and Fox Run Turnpike Road Company be so amended as to release the company from the care or responsibility of keeping in repair any part of said road now in the corporate limits of the town of Eminence, and shall only collect tolls on that part of said road outside of the corporate limits of said town.

§ 2. This act to take effect from its passage.

Approved April 18, 1873.

CHAPTER 920.

AN ACT to amend the charter of the Louisville and Cane Run Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the charter of the Louisville and Cane Run Turnpike Road Company be, and is hereby, so amended, as to allow said company to maintain the toll-gate that is now established within the present corporate limits of the city of Louisville, until such time as the general council of said city, shall determine that the public interest requires its removal, when said council may direct its condemnation, and may enforce it in the same manner that is provided for the condemnation of property for public use in the charter of said city : *Provided, however,* That said company shall not be authorized nor allowed to collect toll from any person who has occasion to pass through said toll-gate to or from his residence, when within the corporate limits of said city.

§ 2. This act shall take effect from its passage.

Approved April 18, 1873.

1873.

CHAPTER 921.

AN ACT for the benefit of Simon Humphrey, late sheriff of Nelson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Auditor of Public Accounts be, and is hereby, authorized to credit Simon Humphrey, late sheriff of Nelson county, with the five per cent. damages on the amount of State revenue due by him on the revenue for the year 1871 ; and if said five per cent. has been paid, then the Auditor is authorized to credit said five per cent. on the revenue for the year 1872.

§ 2. This act shall take effect from its passage.

Approved April 18, 1873.

CHAPTER 922. .

AN ACT for the benefit of Perry Jefferson, sheriff of Mason county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That it shall be lawful for the Auditor of Public Accounts to credit Perry Jefferson, sheriff of Mason county, in his settlement for the revenue of eighteen hundred and seventy-two (1872), with one hundred and seventy-seven dollars and thirty cents (\$177 30), it being the five per cent. on money not paid into the Treasury before the first of April, 1871.

§ 2. This act shall take effect and be in force from its passage.

Approved April 18, 1873.

CHAPTER 923.

AN ACT to charter the Dozier Mountain Coal Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Corporators' names. Name and style. Corporate powers.	§ 1. That J. B. Earle, S. H. Woolfolk, Thomas J. McEwen, F. M. Nesbit, and Lucien Earle, together with their associates, successors, and assigns, be, and they are hereby, constituted and made a body-politic and corporate, under the name and style of the Dozier Mountain Coal Company ; and shall have succession until the first day of January, nineteen hundred and seventy ; and by the corporate name of the Dozier Mountain Coal Company are made capable in law, and they are fully empowered to own, and may purchase from any corporation or person, any lands or mining privileges to an amount not exceeding
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1873.

ten thousand acres, and take conveyances for same; may dig and mine for coal and other minerals; build railroad tracks to their mines and own the same, together with locomotives, coal cars, machinery, tools, horses, mules, and all implements necessary and convenient for mining coal; may sell and transport the same by contract with any railroad company, on such terms as they may agree upon; and are authorized to build railroad tracks from any railroad to their mines, or to contract with any corporation or person to build such tracks to their mines; to procure rights of way in the same manner they are usually procured for railroad purposes; they shall have power to sue and be sued, to defend and be defended, to plead and be impleaded, in all the courts of the country; to make and adopt a common seal, and change the same at pleasure; and also to make all such by-laws as they may deem proper, not inconsistent with the Constitution of this State. Said coal company shall have power to build houses, stores, store-rooms, and use the same; to buy and sell goods; to build offices for agents and employees, and to rent or sell any and all of said property and lands, and mineral privileges, which they may own and not require in their business.

§ 2. The capital stock of said company shall not exceed one million of dollars, and shall be divided into shares of one hundred dollars each.

Capital stock.

§ 3. The persons named in this act, or a majority of them, shall act as directors until their successors shall be chosen, as hereinafter provided; and all or any of them may open books for subscription of stock; and whenever ten thousand dollars shall be subscribed, they shall have power to call a meeting of the stockholders, at such time and place, in the county of Hopkins, as they may designate, and who may proceed to elect five directors, who shall control and transact the business of the company; and each stockholder shall be entitled to one vote for every share of stock he may own in the company, at all elections. Said board of directors may select one of their number as president, and shall hold their office for twelve months from the time of their election, and until their successors shall have been chosen; they may appoint such officers and agents as they may deem necessary for the transaction of their business, and remove the same at pleasure.

Powers of corporations.

§ 4. The directors shall fix the time in each year for the election of directors, and establish rules to regulate the same.

Directors to fix times for election of officers.

§ 5. The officers of the company shall consist of a president, who shall be chosen from the directors, a secretary

Officers.

1873. and treasurer, whose salaries shall be fixed by the board of directors.

Qualifications of directors. § 6. No person shall be president or director of the company, after its organization, who is not a stockholder in it.

Principal office. § 7. The principal office of said company shall be held at the point to be fixed by the board of directors in Hopkins county.

May borrow money on bonds. § 8. The board of directors are authorized to borrow money for the use of said company, upon such terms and conditions as they may think proper; and may issue the bonds of the company in such amounts as they may choose, not exceeding one fourth its capital stock, and may sell and dispose of the same upon such terms and conditions as they may consider proper; and they may secure the payment of the principal and interest, for any sums borrowed, or for any bonds issued and sold, by deed of trust upon the property, rights, and franchises of the company, conditioned for the prompt and punctual payment of the same as it may become due; and in such deed of trust may authorize and empower one or more trustees to sell and convey the property without suit and decree of foreclosure; and such sale and conveyance shall vest all the title and interest of said company in said property; and should the property and franchises of said company be sold under said deed of trust, the purchaser or purchasers shall be entitled to all the rights, powers, and privileges conferred by this charter.

May secure bonds by mortgage. § 9. The board of directors are authorized to secure, by mortgage upon their real or personal estate, any and all moneys they may borrow, or bonds which they may issue, upon such conditions [as] they may see proper, if they should prefer that course. The president and directors of the Dozier Mountain Coal Company, by the consent and authority of the stockholders, may sell and dispose of any part of their capital stock not subscribed for and issued or agreed upon, and exchange the same for any bonds they may desire to purchase, or they may sell the same for money.

§ 10. And a majority of the directors shall constitute a quorum for the transaction of all business.

§ 11. This act to take effect and be in force from and after its passage.

Approved April 19, 1873.

CHAPTER 924.

1873.

AN ACT to repeal an act, entitled "An act to prohibit the sale of spirituous, vinous, or malt liquors in Campbellsville," approved March 21st, 1871.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to prohibit the sale of spirituous, vinous, or malt liquors in Campbellsville, Kentucky," approved March 21st, 1871, be, and the same is hereby, repealed, and the acts which were repealed by that are hereby re-enacted.

§ 2. This act shall be in force from and after its passage.

Approved April 21, 1873.

CHAPTER 925.

AN ACT to declare the Rock House Fork of Licking river a navigable stream.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Rock House Fork of Licking river be, and the same is hereby, declared a navigable stream, from its mouth up to Daniel Williams' old farm.

§ 2. This act shall take effect from and after its passage.

Approved April 21, 1873.

CHAPTER 926.

AN ACT to amend an act, entitled "An act to amend the charter of the town of Lancaster."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section first, chapter five hundred and forty-three, entitled "An act to amend the charter of the town of Lancaster," approved March 13th, 1872, be so amended as to repeal all after the words "for agricultural purposes," in the nineteenth line, the remainder of the section to remain in full force.

§ 2. This act shall take effect from its passage.

Approved April 21, 1873.

1873.

CHAPTER 927.

AN ACT to prevent trespass upon inclosed lands in Harrison county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Stock to be kept off of roads in parts of Harrison county.

Penalty.

§ 1. That all persons owning horses, hogs, sheep, or cattle, in that part of Harrison county hereinafter described, shall be required to keep the same within their own inclosure; and that any person living within said boundary, who shall suffer or knowingly permit any of his stock to stray or go at large upon the highways in said county, for twenty-four hours in succession, without a keeper or some one to look after and control them, shall be fined in any sum not less than five nor more than twenty dollars, to be recovered by warrant before a justice of the peace in and for said county.

Boundary of said district.

§ 2. That this act shall only apply to that part of Harrison county south of the following line, to-wit: Beginning at Scott's Station; thence with the Scott Station and Cynthiana Turnpike to the White school-house; thence with the dirt road to Zion meeting-house on Cynthiana and Oddville Turnpike; thence down the same to the first left hand dirt road; thence with said road to Poindexter's old mill; thence with the dirt road to the farm of Ed. Burns, on Cynthiana and Raven Creek Turnpike; thence with said pike to Unity; thence with the usual dirt road to Connersville; thence with the Connersville and Leesburg Road to Silas creek.

§ 3. This act shall take effect from and after its passage.

Approved April 21, 1873.

CHAPTER 928.

AN ACT to charter the Lyon Iron Mining Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators' names.

Name and style.

Corporate powers.

§ 1. That H. B. Lyon, Jas. N. Holloway, C. H. Webb, F. A. Wilson, and J. L. James, their associates, successors, and assigns, be, and are hereby, constituted a body-corporate and politic, by the name and style of the Lyon Iron Mining Company; and by that name and style shall have perpetual succession, with power to contract and be contracted with; to own property, both real and personal; and to sue and be sued, in all courts and places; to have a common seal; to engage in mining for iron and other minerals, and in preparing them for market, and transporting and selling the same within or without the State; and to do other acts, and to have all other powers needful

for the successful prosecution of their business, and for the execution of the powers herein granted. 1873.

§ 2. That said corporators may organize said company by the election of a president and a board of directors, not exceeding five in number, and such other officers as they may deem necessary, at such time and place as they may designate by notice previously given; and when thus organized, the said company shall have power to make such by-laws, rules and regulations, as they may deem necessary, from time to time, for the government and prosecution of the business of said corporation, not inconsistent with the Constitution and laws of the United States and of this State. When company may organize.

§ 3. The capital stock of said company shall not exceed one hundred thousand dollars, to be divided into one thousand shares of one hundred dollars each. Capital stock.

§ 4. The said company may buy, lease, or rent any suitable lands, mines, mining privileges, rights of way, and other property and rights necessary for their business; and may dispose of the same, or any portion of the same, by sale or otherwise. They may receive real estate, leasehold, mining rights, and rights of way, in payment of such part of subscriptions as they may deem advisable: *Provided*, That nothing herein contained shall be so construed as to confer upon said company any lottery privilege or authority to dispose of any property, real or personal, except by sale, mortgage, or hypothecation. Powers of company.

§ 5. Said company may erect and build on any of their lands such buildings, furnaces, engines, machinery, and fixtures as may be deemed convenient and proper for establishing and conducting the business of said company.

§ 6. Said company may construct railways, railroads, tramways, and operate the same, from its mines to any other railroads, or to any navigable streams in the vicinity of their business; and if for these purposes it be necessary or convenient to pass over the lands of others, they may condemn the same for the purposes in the same manner as is now provided by law under chapter 103 of the Revised Statutes.

§ 7. This act shall take effect from its passage.

Approved April 21, 1873.

1873.

CHAPTER 929.

AN ACT to establish tram-tracks or railways to navigable streams and railroads in Rockcastle county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Persons owning lands lying back of other lands, near to streams and railways, may have right of way to same condemned.

Proceedings under writ.

§ 1. That any person owning extensive timbered lands, coal mines, iron mines, or ore, stone quarries, or other valuable mineral lands, within five miles of any navigable stream or railroad, and back of lands owned by others, and who wish to make connection with such navigable stream or railroad, so as to bring their lumber, coal, iron ore, stone, or other valuable minerals to market, may, before the county court of the county in which such land lays, at any regular term thereof, file his or their petition against the owners of such land or lands asking that the right of way be condemned for a tram-track or railway, not to exceed twenty feet in width, from his or their timber, coal, iron ore, stone, or other minerals, to the most convenient point on said navigable stream or railroad, over or through said intervening lands of other persons, giving to the parties owning such lands at least ten days' notice of the filing of such petition; and if the court deems the applicant's petition of sufficient importance to entitle him to the same, it shall be the duty of said court to appoint two disinterested and discreet freeholders, and citizens of said county, commissioners, together with the surveyor of the county, who, after being duly sworn, shall go upon the lands proposed to be condemned, and proceed to survey the same, by metes and bounds, from the beginning to the terminus of the same, and make duplicate plats of the same; estimate the actual value of the land so taken from it, quality, and relative position to the other lands, together with the conveniences and inconveniences resulting from additional fencing, the erection of gates or crossings, and the value thereof, if perpetual, or if for a term of years, then the value proposed by the applicant to so be taken or used; and make out a full report of their acts herein, and file the same with the clerk of said county court on or before the first day of the next regular term of said court thereafter, which report shall be noted of record, and shall lay over one month for exceptions or traverse, and if none is filed thereto at the expiration of said month, it shall be confirmed, and entered as the judgment of the court, and the applicant, upon the payment of the amount so assessed, together with all the cost thereon, may proceed to erect his said tracks or railroad; and the court shall direct a conveyance of said lands to the applicant.

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§ 2. Should the parties through whose lands said train tram-tracks or railroad is surveyed traverse the report of the commissioners, then the court shall direct a jury to be empaneled to hear and try the case, under the same rules and regulations that govern the trial of railroad cases of like character.

§ 3. Should the said tram-track run through or upon the lands of non-residents, infant heirs, or persons of unsound mind, they shall be proceeded against as in all other cases now provided for by law.

§ 4. That such applicant shall have the right to condemn lands adjacent to such navigable stream or railroad so sought to be approached, not exceeding one acre, for depot and other purposes, with a right for a wagon road from the same to any county, State, or turnpike road, or to the timbered lands or coal banks, as stated in the first section, under like proceedings as are had in the first and second sections of this act.

§ 5. That all acts or laws heretofore enacted that are in conflict with the provisions of this act, be, and the same are hereby, repealed: *Provided, however,* That the provisions of this act shall only apply to the county of Rockcastle.

§ 6. This act to take effect and be in force from and after its passage.

Approved April 21, 1873.

CHAPTER 930.

AN ACT to prohibit the sale of liquors in the town of Eminence, Henry county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That from and after the time when this act shall take effect, it shall not be lawful for the county court of Henry county, or the trustees of the town of Eminence, or any other court or person, to grant a license to person or persons to sell whisky, brandy, gin, rum, wine, or any other spirituous, vinous, or malt liquors, or the mixture of either, in the town of Eminence, or within one mile of its corporate limits; nor shall it be lawful for any tavern-keeper, merchant, distiller, druggist, or any other person or persons, to sell any such liquors in any quantity less than one barrel within the limits of said town, or within one mile of the corporate limits of the same, except for medicinal purpose, and then only upon the written prescription of a regular practicing physician. That it shall not be lawful for any resident physician of said town to

Made unlawful to sell liquors except on the prescription of a physician.

When physician may make prescription, and penalty for fraud.

1873. grant a certificate or prescription to any one for the purchase of such liquor as a beverage, but only for use as a medicine; nor shall he grant such certificate until he shall have appeared before the county court of said county and taken an oath that he will in good faith conform to the provisions of this act. Any physician violating the provisions of this act shall be fined one hundred dollars for each offense, to be recovered before the town judge and applied to the revenue proper.

General penalty
for violating law.

Act to be sub-
mitted to people.

§ 2. That if any person be convicted of a violation of the foregoing section, he or they, for the first offense, shall be fined fifty dollars, and one hundred for each succeeding offense, to be recovered upon an indictment before the grand jury, or a warrant from the police judge of the town of Eminence; the fines thus assessed and recovered to be collected as other fines. All acts inconsistent herewith are hereby repealed: *Provided, however*, That this act shall not take effect until it is submitted to and ratified by a vote of a majority of all of the qualified voters of said town and prescribed limits at the next August election, 1873.

Approved April 21, 1873.

CHAPTER 931.

AN ACT for the benefit of Benjamin Stumbough and others, of Johnson county.

WHEREAS, There was a judgment in the Franklin circuit court in favor of the Commonwealth of Kentucky, and against Alexander W. Nickell, sheriff of Johnson county for the year 1867, and B. F. Salyer, James C. Cartle, Philip Stumbough, Fred. Stumbough, and Benjamin Stumbough, his securities, for the revenue of said county for the year 1867; and whereas, there issued on the 16th day of July, 1869, an execution on said judgment, which execution was placed in the hands of J. W. Hetton, sheriff of Johnson county, who proceeded to levy the same on the lands of the securities of said Nickell. Said sheriff proceeded to sell said land levied upon, and at said sale the Commonwealth, by her agent and attorney, John Harkins, Esq., became the purchaser, at sums sufficient to satisfy said judgment and execution; and whereas, it is represented that the said securities desire to redeem their said lands; for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That when the said B. F. Salyer shall pay into the treasury of the Commonwealth one fifth of the amount of said judgment, interest, costs, and attorney's fees, ex-

clusive of damages, that his land sold on said execution shall stand redeemed.

1873.

§ 2. That when James C. Cartle shall pay into the treasury one fifth of the amount of said judgment, interest, costs, and all attorney's fees, exclusive of damages, that his land sold upon said execution shall stand redeemed, and the title to the same shall revert to said Cartle.

§ 3. That when Philip Stumbough shall pay into the treasury one fifth of the amount of said judgment, interest, costs, and attorney's fees, exclusive of damages, that his said land sold on said execution shall stand redeemed, and the title thereof shall revert to the said Stumbough.

§ 4. That when Fred. Stumbough shall pay into the treasury one fifth of the amount of said judgment, interest, costs, and all attorney's fees, exclusive of damages, that his said land sold shall stand redeemed, and the title of the same shall revert to the said Stumbough.

§ 5. That when Benjamin Stumbough shall pay into the treasury one fifth of the amount of said judgment, interest, costs, and all attorney's fees, exclusive of damages, that his said land shall stand redeemed, and the title to the same shall revert to the said Stumbough.

§ 6. That this act shall be in force from and after its passage.

Approved April 21, 1873.

CHAPTER 932.

AN ACT to authorize a portion of Jamestown magisterial district, in Campbell county, to purchase the Newport and Dayton Turnpike, and to bridge Taylor's creek.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the following territory is hereby erected into a district, to-wit: beginning at the mouth of Taylor's creek on the Ohio river; thence with the same as it meanders southwardly to the Covert Run Turnpike Road; thence with said road eastwardly to where the same terminates with the intersection of Columbia trace, opposite to Emmerson's gate; thence due east to the Ohio river; thence down the Ohio river as it meanders to the place of beginning, for the purpose of purchasing the Newport and Dayton Turnpike Road and bridging Taylor's creek.

Boundary of district.

§ 2. That Jas. T. Williamson, Wm. Hasson, and James B. Chadwick, are hereby appointed commissioners on and in behalf of said district, to obtain from the present owners of said road a proposition for the sale thereof to said district, the same to be made free if purchased by them, as also to ascertain the cost of a stone-arched bridge, with

Commissioners to purchase road.

1873.

Question of
purchase to be
submitted to peo-
ple.

sixty feet of a clear road-way thereon; said amounts to be ascertained and published for at least ten days before the next August election, at which time the sense of the qualified voters of said district shall be taken in the following manner: there shall be two columns on the poll-books provided by the county clerk at said election, the one headed "For the issue of bonds to purchase turnpike and build bridge," a second "Against the issue of bonds to purchase turnpike and build bridge;" and should a majority of the qualified voters voting at said election vote in favor of same, then said commissioners shall be authorized to issue and sell the bonds of said district in a sum not exceeding the amount published for ten days previous to said election, signed by said commissioners, in such denominations as they may deem most expedient. Said bonds shall not run longer than ten years from the date of issue; shall bear interest at a rate not exceeding eight per cent. per annum, principal and interest payable at the bank of James Taylor & Sons, in Newport, Kentucky; but said commissioners shall not dispose of same at less than ninety cents on the dollar of the face.

May issue bonds
to pay for said
road.

Bonds to be lien
on taxable prop-
erty, and tax to
be levied to pay
same.

§ 3. Said bonds and the interest thereon shall be a lien upon the property within said district now taxable by the general law of this Commonwealth, and a levy shall be made each year by the county judge, in conjunction with said commissioners, sufficient to meet the annual interest on said bonds and to create a sinking fund to pay the same at maturity, which shall be collectable as county taxes now are by the general law of the State, by the same officer, and the amount thereof paid over to the county treasurer, who shall be responsible upon his official bond for same.

§ 4. In the event of the failure of any of the commissioners herein named to act, the county judge shall appoint some one, a citizen of said district, to fill such vacancy, or any that may occur by reason of death, resignation, or otherwise; and it shall be the duty of said commissioners to make all contracts for carrying out the purposes of this act; but said district shall in nowise be made responsible for any sum greater than that published by the commissioners previous to the election of August next.

§ 5. The city of Newport is hereby authorized to pay one half of the cost of the bridge across Taylor's creek, should a majority of her city council so agree, not exceeding the sum of five thousand dollars.

§ 6. This act shall have the force of law when approved by the voters in the manner herein directed, otherwise to be of no effect.

Approved April 21, 1873.

CHAPTER 933.

1873.

AN ACT to incorporate the Spinoza Society, of Fayette county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That Julius Speyer, Henry Lovenhart, Joshua Speyer, Moses Kaufman, and Harris Brown, of Fayette county, be, and they are hereby, constituted a body-politic and corporate, under the name and style of the "Spinoza Society;" and by that name to have perpetual succession; to sue and be sued, contract and be contracted with, plead and be impleaded, in all the courts of this State; to have and use a common seal, which the society may alter or abolish at pleasure; and to do all other acts necessary for effecting the object of their incorporation, which is to provide a place of interment for the dead.

Corporators' names.

Name and style.

Corporate powers.

§ 2. That said society shall hold a meeting at some time, not later than the first day of July, 1873, and elect a president, vice president, secretary, treasurer, and warden.

When officers to be elected.

§ 3. That said society is authorized, empowered, and permitted to purchase and contract for any quantity of land, in Fayette county, Kentucky, not exceeding twenty acres, for the purpose of a cemetery or burial ground; to acquire and possess the title to the same, and to lay it off into lots, which lots they may sell, and, by a certificate signed by the president, and countersigned by the secretary, convey to purchasers for burial purposes, to be held by such purchasers subject to the by-laws and rules of the society; and if any lot or lots so sold shall be used for any other than burial purposes, it, or they, shall revert to the corporation. All lands and their appurtenances held by this society, or by persons purchasing lots from them, for burial purposes, shall be free and exempt from all taxation, executions, attachments, and legal process of any kind, so long as the same shall be used for a burial ground.

Powers of society

§ 4. That said society may make such rules and by-laws for the election and amotion of officers, for the length of their terms of office, and for filling vacancies, as they may think proper; and may make all such rules and by-laws for the regulation, management, and government of the society as shall not be inconsistent with the laws or Constitution of this State or of the United States.

May make by-laws, &c.

§ 5. That this act shall take effect from its passage.

Approved April 21, 1873.

1873.

CHAPTER 934.

AN ACT to regulate and create the office of county treasurer in the counties of Perry and Harlan.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

County treasurer
to be elected in
said counties.

§ 1. That there shall be a county treasurer elected in the counties of Perry and Harlan the first Monday in August, 1873, by the qualified voters of said counties; the clerks of said counties shall place a separate column in the different poll-books of their respective counties and precincts for candidates to fill said office of county treasurer in said counties; the polls shall be compared as other county elections are compared and certified.

Term of office
and bond.

§ 2. The person who is elected to fill said office shall hold his office for the term of four years, and until his successor is duly elected and qualified. Said treasurer, so elected, shall give bond, with approved security, for the faithful performance of his duty, to be taken and approved by the county courts of said counties; said bond shall be similar to that of a sheriff's bond, and must be filed in the clerk's office of said counties. The

Powers and
duties of treas-
urer.

treasurers elected according to the provisions of this act shall have power to receive all moneys from all sources belonging or is coming to said counties; and it shall be his duty to collect all money due said counties; he shall have power to bring suits and recover judgments for any moneys that may be coming to said counties from any source whatever; and may recover a judgment and collect by execution any money from sheriffs or other officers that have money in their hands; he shall make settlements with the sheriffs the first Mondays in November in each year; and said sheriffs shall be required to pay over all moneys in their hands to said county treasurer, and all county levies that sheriffs is due to county creditors shall be paid over to the county treasurer, and he shall hold the same subject to the orders of the court: *Provided*, That he is required to pay any county creditor a claim that he may have had properly allowed by the court of claims of said counties; and said sheriffs, in their settlements with the county treasurer, may have a credit for any county claim they may have paid to any creditor which was properly allowed by said court; if the sheriffs fail to pay over the county levy to said treasurer by the first day of December in each year, and make settlements with said treasurer, the treasurer shall have power to recover judgment against the sheriff and his sureties in the county courts or in the circuit courts of said counties by motion, after having given said sheriff and his securities at least ten days' notice of the intended motion; or he may bring

suit otherwise in any court of competent jurisdiction. Said county treasurer shall settle all of his accounts with the county court at least once a year; and he shall be responsible on his bond to the county court for any neglect of duty, or for any money that may come into his hands; and the county courts of said counties shall have power to recover against the county treasurer and his sureties for any moneys that may come to his hands in any court that has jurisdiction of the amount; any judgment recovered under the provisions of this act against any person shall be with six per cent. damages, and interest from date of judgment. The treasurer shall be allowed six per cent. for all money that passes through his hands, either by voucher or otherwise; and shall have the right to retain the same out of any moneys in his hands belonging to said counties.

1873.

§ 3. This act shall take effect from and after its passage.

Approved April 21, 1873.

CHAPTER 935.

AN ACT to incorporate the Lancaster Building and Loan Association.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That W. H. Kinnaid, Joseph P. Rucker, B. M. Burdett, William M. Kirby, Joseph P. Sandifer, W. D. Hopper, James T. Tate, W. O. Bradley, Charles Sweney, George W. Dunlap, jr., George Denney, jr., E. W. Harris, E. Brown, Daniel M. Anderson, T. W. Reid, A. C. Teater, T. Curry, Henry B. Marksberry, and their associates and successors, are hereby created a body politic and corporate, under the corporate name and style of the Lancaster Building and Loan Association; and in that name may sue and be sued, contract and be contracted with, plead and be impleaded, in all the courts of this Commonwealth and elsewhere; may have perpetual succession, and a common seal, and break and alter the same at pleasure; and may purchase, use, hold, and sell real and personal estate, in and near Lancaster, Kentucky; issue stock, not exceeding three hundred thousand dollars; loan its funds at a rate of interest not exceeding ten per cent., and take mortgages and other securities therefor; and may sell and convey any and all property owned by said corporation.

Corporators' names.

Name and style.

Corporate powers.

§ 2. The business of this corporation shall embrace the buying, improving, and leasing and selling real estate, in and near Lancaster, Kentucky, and in loaning the funds of the association, always giving the preference to its own members; but the association may, if the board of direct-

Business.

1873. ors think proper, invest a part of the funds in establishing and conducting manufacturing establishments in or near Lancaster.

Funds to be
represented by
stock.

§ 3. The funds of this association shall be represented by stock, and each share of stock shall be one hundred dollars. No member shall at any time own more than twenty shares of unpaid stock; but any member may own any number of paid-up shares of stock, and may pay for the same at any time in money, or by conveying to the association such real estate as the board of directors may decide to accept, at such valuation as the said board may fix upon said real estate; but no member shall have or cast more than twenty (20) votes at any election, or on any proposition, no matter how many shares of stock he may own.

Powers of
directors to sell
property.

§ 4. Whenever the board of directors may think proper to do so, they may direct that any property belonging to the association shall be sold on such time and terms as the board may prescribe; and thereupon the secretary shall make known the day of sale, and the said property shall be sold to the highest and best bidder, at public auction, the preference being given to members of the association; and the member who purchases said property shall have credit on the purchase price thereof for all dues and moneys he may have theretofore paid to said association, with six per cent. interest on the same from the time the same was so paid by him; and the balance of the purchase price, if any, shall be paid at such time and upon such terms as the rules of the association may require; and the association shall retain a lien on said property to secure the payment of such balance of the purchase money.

Fees and dues
of members.

§ 5. Each member, when he becomes a member, shall pay to the secretary an initiation fee of not less than fifty cents, nor more than one dollar, which shall create a fund to pay the expenses of the association; and each member shall, in addition, pay to the association twenty-five cents each week on each and every share of stock for which he may subscribe; and for each and every failure to make such weekly payment of dues, the secretary shall charge such member with five cents for each and every such default, and these charges shall stand against such member, and against the dues already paid in by him.

Stock to be per-
sonal property.

§ 6. The stock of this association shall be considered personal estate, and shall be transferable on the books of the association like bank stock: *Provided*, That if any member shall desire to withdraw before he has paid for his stock in full, his unpaid shares shall be sold to the highest bidder, after such member shall have given due notice of his desire to withdraw, and such withdrawing

member shall be entitled to the proceeds of such sale after paying to the association such charges and assessments as may be made against him, and against his stock in such cases, all of which will be provided for by the by-laws.

1873.

§ 7. The capital of this association shall never exceed \$300,000, and shall be employed only for the purposes expressed in this charter; and in all sales or leases of property and loans of money, preference shall be given to the members of this association over persons who are not members; and all the profits made by the association, after paying the necessary expenses of conducting the same, shall belong to the stockholders in proportion to the amount of stock held by each member; and in case of dissolution, all the property shall be so divided.

Capital stock.

§ 8. The corporators herein named, and such other persons as may have associated with them, by signifying, in writing, their desire to subscribe for stock herein, may at any time, after the passage of this act, meet in the town of Lancaster, for the purpose of organizing under this act by electing officers, and opening books for the subscription for stock. The officers elected shall be a president, vice president, treasurer, secretary, and a board of five directors, all of whom shall be persons who have signified their desire, in writing, to take one or more shares of stock; but the directors shall not be eligible to the office of president, vice president, secretary, or treasurer. These officers shall perform the duties usually required of such officers, and shall hold their offices from the time of the first election until the first regular meeting of the association in January next, and until their successors are duly elected and qualified. The annual election shall thereafter be held, and said offices filled by the votes of a majority of the members present at the first regular meeting of the association in January in each succeeding year. The secretary and treasurer shall each execute a bond, with sufficient surety, to be approved by the president and board of directors, conditioned for the faithful discharge of all their official duties. No money shall be drawn from the treasurer, except by order of the board of directors.

When and how company may organize.

Secretary and treasurer to give bond.

§ 9. The board of directors may employ such attorneys and agents to act for the association as, in their judgment, the business may require, and may fix the compensation for the services performed.

Board may employ attorney, &c.

§ 10. The association, at its regular meetings, may, from time to time, enact and enforce such regulations and by-laws as the business, in their judgment, may require, not inconsistent with this charter nor with the

May make by-laws, &c.

1873. Constitution or laws of the United States or of the State of Kentucky.

§ 11. The board of directors may regulate the time and place of holding the meetings of this association in Lancaster, Kentucky.

§ 12. Either officers or members may be impeached, tried, and expelled, by such proceedings as may be provided by the by-laws, for any immoral or improper conduct.

§ 13. Nothing in this act shall be so construed as to permit the association to sell its funds, by auction or otherwise, for a premium to be paid by the purchaser, beyond interest, at the rate of ten per cent. per annum.

§ 14. This act shall be in force from its passage.

Approved April 21, 1873.

CHAPTER 936.

AN ACT to amend the charter of the town of Russellville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Trustees may
impose additional
fines for certain
offenses.

§ 1. That the charter of the town of Russellville be, and the same is hereby, so amended as to authorize the board of trustees, by ordinance, to impose and enforce, in addition to the penalties now prescribed by law, fines not exceeding two hundred and fifty dollars, to be assessed and determined as now provided by said charter, for disturbance of religious worship, riots, routs, breaches of the peace, keeping tippling-houses, carrying concealed deadly weapons, and all offenses described under the head of gambling and gaming; and in cases of gambling, the penalty may be as above-said, together with forfeiture of license of tavern-keepers, saloon-keepers, and billiard-room keepers, for allowing gaming in their houses.

§ 2. This act shall take effect sixty days after its passage.

Approved April 21, 1873.

CHAPTER 937.

AN ACT to amend an act, entitled "An act to incorporate the Eminence and Mulberry Turnpike Road Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Stockholders to
work road.

§ 1. That the charter of the Eminence and Mulberry Turnpike Road Company be, and the same is hereby, so amended, as that all stockholders therein residing on

said road, and persons with them as servants, not exempt from working roads, shall be required to work on the same exclusively, not exceeding three days in each year, in order to keep the side-road, embankments, culverts, and ruts in repair.

1873.

§ 2. That the president of said road shall have the same powers to call out and enjoin all such persons to work thereon as surveyors of this Commonwealth now have; he shall be governed by the same laws that road surveyors now are in working roads.

President to call out hands.

§ 3. That the said company may erect or continue their toll-gate not less than one thousand yards of the corporate limits of the town of Eminence, on the line of the pike.

May erect toll-gate on said road.

§ 4. That said company may collect tolls of all persons using said road, *pro rata*, for any part of the same used.

§ 5. This act to take effect from its passage.

Approved April 21, 1873.

CHAPTER 938.

AN ACT defining the boundary line between the counties of Clay and Bell.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the boundary line between the counties of Clay and Bell shall be so defined as to run as follows, to-wit: beginning at the Bell county line, near the head waters of the Stony Fork of Straight creek; thence with the dividing ridge, between Philip's Fork of Red Bird and the Cow Fork, to the head of Rich branch; thence down said branch to its mouth, where it empties into Red Bird; thence a straight line to Knox county line, at the head of Lick Fork; thence with the Knox county line to the Bell line, near the head of Left Hand Fork of Straight creek.

§ 2. The voting precinct to be at the mouth of Mud creek.

§ 3. This act to take effect from and after its passage.

Approved April 21, 1873.

CHAPTER 939.

AN ACT to amend the charter of the Bryantsville and Cane Run Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Bryantsville and Cane Run Turnpike Road Company be, and they are hereby, allowed to erect

1873. two gates for the collection of the tolls now allowed on their road: *Provided, however*, That persons passing through both gates the same day shall not be charged but one toll for the trip, the company being required to furnish such persons with a pass when applied for.

§ 2. This act shall take effect from its passage.

Approved April 21, 1873.

CHAPTER 940.

AN ACT fixing the time for the jailers of Cumberland and Clinton counties to enter upon the duties of their offices.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter the jailers of Cumberland and Clinton counties shall enter upon their duties as jailers on the 31st day of December succeeding their election.

§ 2. So much of any act as may conflict with this act is hereby repealed.

§ 3. This act to take effect from its passage.

Approved April 21, 1873.

CHAPTER 941.

AN ACT to declare the Swinge Cat Fork of Big creek, in Pike county, a navigable stream for a distance of four miles from its mouth.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Swinge Cat Fork of Big creek, in Pike county, be, and the same is hereby, declared to be a navigable stream for a distance of four miles from its mouth.

§ 2. This act shall be in force from its passage.

Approved April 21, 1873.

CHAPTER 942.

AN ACT to declare the State Road Fork of Licking river, in Magoffin county, a navigable stream, from its mouth to John Q. A. Bailey's mill.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the State Road Fork of Licking river, from its mouth to John Q. A. Bailey's mill, in Magoffin county, be, and the same is hereby, declared a navigable stream.

§ 2. This act shall take effect from its passage.

Approved April 21, 1873.

CHAPTER 943.

1873.

AN ACT declaring all that part of Caney Fork of Wolf creek, in Russell county, a navigable stream, that lies between Dick's Branch and Wolf creek.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all that part of Caney Fork of Wolf creek, in Russell county, that lies between the mouth of Dick's branch and Wolf creek, be, and the same is hereby, declared a navigable stream.

§ 2. This act shall take effect from and after its passage.

Approved April 21, 1873.

CHAPTER 944.

AN ACT to amend the charter of the Nicholasville and Jessamine County Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the Nicholasville and Jessamine County Turnpike Road Company be, and the same is hereby, so amended, that, at any election that may hereafter be held for directors of said road, the owner of any share or shares of stock shall have the right, in person or by proxy, to cast one vote in such election for each share of stock he may own in said turnpike road company.

§ 2. This act to be in force from and after its passage.

Approved April 21, 1873.

CHAPTER 945.

AN ACT to declare the Lower Long Branch of Grassy creek, in Morgan county, a navigable stream, from its mouth to opposite the school-house on the lands of Jackson Goodpasture.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Lower Long Branch of Grassy creek, in Morgan county, from its mouth to opposite the school-house on the lands of Jackson Goodpasture, be, and the same is hereby, declared a navigable stream.

§ 2. This act shall take effect from its passage.

Approved April 21, 1873.

1873.

CHAPTER 946.

AN ACT to authorize the sheriff and master commissioner of Fayette county to advertise sales of real and personal property in said county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Master commissioner and sheriff to publish sale notices in two papers.

§ 1. That the sheriff and master commissioner of Fayette county may advertise all sheriffs' and master commissioners' sales of real or personal property of said county in one (1) or two (2) newspapers published in said county, in addition to the manner said sales are now authorized by law to be advertised: *Provided, however,* That the property to be so advertised in the hands of the master commissioner be not less in amount than three hundred dollars; and the property to be so advertised at one time by the said sheriff, under actual levy, be not less than one hundred dollars: *And provided further,* That there shall not be more than four (4) insertions in each paper made in each case, unless otherwise ordered by the court: *And provided further,* That in case of sale of real property, the first insertion shall be made at least fifteen (15) days before said sale; and in case of sale of personal property, ten (10) days before said sale.

Rates of advertising.

§ 2. The charge for said publication shall not be greater than the established rates for advertisements of similar length, the same to be taxed and collected by said sheriff and commissioner as the other costs in the action are collected. A failure to advertise as set forth in this act, shall be no cause for setting aside or quashing any sale: *Provided,* Said sale has been advertised as required by the general laws.

§ 3. This act shall take effect from its passage.

Approved April 21, 1873.

CHAPTER 947.

AN ACT for the benefit of Andrew J. McCampbell, late sheriff of Jessamine county.

WHEREAS, Judgment was obtained, at the August term of the Franklin circuit court for the year 1872, by the Commonwealth of Kentucky, against Andrew J. McCampbell, late sheriff of Jessamine county, for unpaid revenue tax for 1871; and whereas, said McCampbell has paid the whole of said judgment, with interest, except the sum of three hundred and sixty-one dollars and twenty-eight cents, adjudged against him for special damages; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky: 1873.

§ 1. That the special damages adjudged against said Andrew J. McCampbell, amounting as aforesaid to three hundred and sixty-one dollars and twenty-eight cents, be, and the same are hereby, remitted and set aside, and the Auditor is directed and required to give said McCampbell credit on his books for the amount thereof.

§ 2. This act shall be in force from its passage.

Approved April 21, 1873.

CHAPTER 948.

AN ACT to amend an act, entitled "An act to incorporate the Clayville Male and Female Academy."

WHEREAS, It appears that a president, directors, secretary, and treasurer of the Clayville Male and Female Academy have been elected, but not at the time fixed by law; for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the president, directors, secretary, and treasurer of said company, now acting as such, shall have all the powers as if regularly elected, and shall hold their office until the first Monday in September, 1873, at which time an election shall be held by the stockholders of said company for president, directors, secretary, and treasurer, and annually thereafter on said day.

Powers of officers holding over.

§ 2. That all the acts of the president, directors, secretary, and treasurer heretofore elected, for the purpose of carrying out the objects of said organization, are hereby legalized and held to be valid as if an election for president, directors, secretary, and treasurer had been duly held according to an act, styled "An act to incorporate the Clayville Male and Female Academy."

Acts of officers legalized.

§ 3. That by consent of a majority of the stockholders of said corporation, the vote being taken in all cases as provided in act of incorporation (one vote for each share), said school building may be leased or sold to the trustees of Clayville common school district of Webster county, for purposes of common school for said district, provided for in an act, entitled "An act for the better organization of the public schools in the town of Clayville, and to establish the common school district in Clayville, Webster county."

May lease or sell school building to town of Clayville.

§ 4. This act to take effect from its passage.

Approved April 21, 1873.

1873.

CHAPTER 949.

AN ACT to incorporate the Kentucky Central Park Association of Boyle county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators' names. Name and style. Capital stock.

§ 1. That W. B. Tomphens, William Brewer, Peter Gentry, Harvy Helm, Tep. Bruce, Clay Powell, and their associates and successors, be, and they are hereby, created a body-corporate, with the name and style of the Kentucky Central Park Association, with a capital of not exceeding ten thousand dollars, to be divided into shares of fifty dollars each; and by that name said corporation shall have perpetual succession, and may have a common seal, and may contract and be contracted with, sue and be sued, in all the courts of this Commonwealth.

Object and business.

§ 2. The object and business of said corporation shall be to establish, and keep and maintain, a training and running park in Boyle county, Kentucky, for the training, trotting, and running of horses, and for the improvement of the breed and quality of such animals; and for these purposes said corporation shall be authorized to lease or purchase, own and hold, in said county of Boyle, not exceeding seventy-five acres of land, and inclose the same with a sufficient fence, and have a suitable track on said premises, for the purposes of said association, as herein declared, and erect, or cause or permit to be erected, an amphitheater, and other buildings, booths, and structures therein; and also to acquire, own, and hold such personal property as may be deemed necessary to enable said corporation to carry out the object of this act. Said corporation may exchange or sell any land or personal property acquired under this act, and obtain, hold, and own other real and personal property, for the uses and purposes herein provided for.

May have races and charge admission.

§ 3. Said corporation may have trotting and running matches and races on said ground, and charge for admission to same.

Directors—term of office and duties.

§ 4. Said corporation and its fiscal and prudential affairs shall be under the management and control of a board of five directors, one of whom shall be president of said board, and chosen by said directors. The said directors shall be elected by the stockholders on the first Saturday in April of each year after the organization of the association shall have been completed; and in electing them, each share of stock shall entitle the holder to one vote, which may be cast in person or by proxy. They shall, before entering on the performance of their duties, be sworn faithfully to perform their duties, and serve until their successors are duly elected and qualified. No one

but a stockholder shall be a director; and any vacancy during the year may be filled by the board of directors.

1873.

§ 5. Said president and directors may have and elect a treasurer and secretary, and such other subordinate officers of said corporation as they may deem necessary, prescribe their duties, fix their compensation, and require bond and good security for the faithful performance of their duties; and said officers may be removed at the pleasure of the board of directors.

Board to elect officers and require bond.

§ 6. Said president and directors may offer premiums and purses in running and trotting contests over the ground of the association; and shall have power, and they are hereby authorized, to make and establish such by-laws, rules and regulations, for the government of said trotting park, and the concerns of said corporation, as they may deem proper, not inconsistent with the Constitution of the United States or of this State.

Board to make by-laws, &c.

§ 7. Said board of directors shall be authorized to call on the Boyle county court judge, and it shall be the duty of said county judge, when so called on, to appoint special police officers to attend on and near said trotting park, when being used for the purpose contemplated by this act, who shall assist in the preservation of order and maintain the public peace; and may arrest all criminals or riotous or disorderly persons on said grounds, and take them before the nearest justice of the peace or police judge for trial; said police officers shall be paid by said corporation a reasonable compensation, or what may be agreed on for their services; and said board of directors may employ persons to act under their supervision and control, and to assist in maintaining order and the public peace on said premises, who may remove any riotous or disorderly persons from the same.

County judge to appoint police for grounds.

§ 8. That the corporators herein named shall be authorized, at any time within one year, to open books for the subscription of stock in said company, and keep the same open and receive subscriptions of stock until the entire capital stock, or so much as they may deem necessary for the purposes of said company, shall have been taken; and when as much as two thousand dollars of stock shall have been subscribed, said commissioners, or those acting, may, by notice in a newspaper in Danville, call a meeting of the stockholders in two weeks, to elect a board of directors as hereinbefore provided for; and upon such election being made, the said company shall be organized, and have the rights and powers herein conferred. Said president and directors shall have power to receive

Corporators may open books of subscription.

When company may be organized.

1873. additional subscriptions of stock, and shall determine the time and manner of paying in the stock subscribed.

§ 9. This act shall take effect from its passage.

Approved April 21, 1873.

CHAPTER 950.

AN ACT in regard to certain streets in the city of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That all streets or supposed streets, existing or supposed to exist, in that portion of the city of Louisville bounded by Seventeenth street on the east, Nineteenth street on the west, Bank street on the south, and Portland avenue on the north, be, and the same are hereby, discontinued, disestablished, and abandoned, except Eighteenth street, Beard street, and Todd street: *Provided*, This act shall take effect when approved by the general council of the city of Louisville, and not sooner.

§ 2. This act shall take effect from its passage.

Approved April 21, 1873.

CHAPTER 951.

AN ACT to incorporate the town of Anderson City.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Boundary.

§ 1. That the town of Anderson City, in Anderson county, be, and the same is hereby, incorporated, with the following boundaries: Beginning at the mill-dam on Salt river; running from thence on a straight line to the toll-gate on the Camdensville Turnpike Road, including same; thence with said turnpike road to the road leading from the same to the mill, and including the same; from thence on a straight line to Salt river, at the mouth of Indian creek, on Salt river; and from thence with said river to the beginning.

Trustees to be elected.

Name and style.

§ 2. That there shall be three trustees elected annually, on the first Saturday in May, by the qualified voters of said town. That said trustees and their successors in office shall be a body-corporate and politic, and known by the name and style of the Trustees of Anderson City; and by that name be capable of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, in all courts of this Commonwealth; and said trustees may have and use a common seal; and

shall have all the powers and privileges, and be subject to all the duties and liabilities as provided by general law.

1873.

§ 3. The trustees of said town shall have power to make all by-laws for the regulation and good government of said town, not inconsistent with the Constitution and laws of this Commonwealth; they shall have power to levy a tax of not more than twenty cents on each one hundred dollars' worth of property in said town, subject to taxation, and not more than one dollar upon each poll within its corporate limits; and all fines and forfeitures for a violation of any of the ordinances or by-laws of said town shall be paid into the treasury of said town, to be used by the trustees for the public good.

Powers and duties of trustees.

§ 4. That on the same day set apart for the election of trustees of said town, there shall be held an election once in every two years for the purpose of electing a police judge and town marshal for said town; and the said judge shall qualify and give bond, and shall be clothed with all the powers and privileges delegated to such officer; and he shall be governed and controlled by all the laws made binding upon such officer. The marshal of said town shall serve all processes and precepts to him directed from said police judge, or from the county judge, or any justice of the peace for Anderson county, and make due return thereof; collect all taxes assessed in said town, and all executions or other demands which may be put in his hands for collection, and in all things be governed by the same rules and regulations required by law of sheriffs in the collection of taxes, and of constables in the collection of executions or other demands. The said marshal shall be entitled to the same fees for collecting the town tax that sheriffs are entitled to for collecting the revenue tax, and in all other cases the same fees that are allowed by law to constables; and the said marshal shall have the same powers and rights given by law to constables throughout the county of Anderson. Said marshal, before he enters upon the discharge of his duties, shall execute, before the board of trustees for said town, a bond, with good security, conditioned that he will faithfully and impartially discharge the duties of said office, and in proper time pay over to the trustees of said town all taxes, fines, forfeitures, and money belonging to said town which may come into his hands; he will also take the oath of office, and execute a bond similar to that required by law of constables, before the county court of Anderson county; and on his failure to discharge any of the duties required of him by this act, or by any existing law, shall be subject to the same proceeding as may be by law had against sheriffs and constables in similar cases.

Police judge and marshal to be elected, and their powers and duties

Marshal's fees.

Marshal to give bond.

1873.

County court to
appoint *pro tem.*
officers.

§ 5. The county court of said county may appoint trustees, police judge, and town marshal, to hold their offices until the first election and qualification of their successors.

Board may grant
tavern license.

§ 6. That the board of trustees of said town may grant license to persons to keep a tavern and to retail spirituous liquors, upon the payment of such sums of money as they may deem proper, not exceeding one hundred dollars, which sums, when paid, go into the treasury of said town: *Provided, however,* That bond shall be executed in the county court of Anderson county and the State tax paid as now required by law.

§ 7. This act to take effect from its passage.

Approved April 21, 1873.

CHAPTER 952.

AN ACT to incorporate the Owensboro Building and Loan Association.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators'
names.

§ 1. That J. G. Delker, T. H. Guthrie, J. C. Rudd, Dr. R. B. Gilbert, C. Zuckriegel, L. W. Marble, E. B. Colgan, J. R. Osborne, J. Z. Moore, and W. K. Anderson, and their associates and successors, be, and they are hereby, created a body-corporate, under the name and style of the Owensboro Building and Loan Association, of Owensboro, Kentucky.

Name and style.

Corporate pow-
ers.

§ 2. Said association shall, by that name and style, have perpetual succession, and be capable of suing and being sued, pleading and being impleaded, in all courts and places; of contracting and being contracted with; of having a common seal, and the same to make, break, or alter at pleasure; to acquire, use, hold, and sell real and personal estate, in and near Owensboro, and Daviess county, Kentucky; issue stock, not exceeding two hundred thousand dollars; loan its funds at legal rates of interest, and take mortgages and other securities therefor.

Stock regulations

§ 3. The funds of this association shall be represented by stock, and each share of stock shall be one hundred dollars, which shares shall be personal property, and may be subscribed, paid for, transferred, and forfeited for non-payment, in such manner as the said association or its board of directors may, by resolution or by-laws, prescribe and determine.

Officers.

§ 4. The officers of said association shall be a president, secretary, treasurer, and five directors; but no person shall be a director, or other officer, unless he be the owner of at least two shares of stock.

§ 5. The board of directors may employ such attorneys and agents to act for the association as, in their judgment, the business may require.

1873.

Board may employ attorneys, &c.

Powers and duties of corporators

§ 6. The corporators above named shall open books for the subscription of stock, and whenever one hundred shares shall be subscribed said association may go into operation. Other shares may subsequently be subscribed, until the whole stock, two hundred thousand dollars, is taken; the subscribers thereto being required to pay the back installments, corresponding with the shares paid by the original subscribers, with interest at such rates, not exceeding ten per cent. per annum, as the association may prescribe in its by-laws.

§ 7. The board of directors shall be elected on the first Saturday in January, and hold their offices for one year, or until their successors are elected. In election for officers and transaction of other business each member present shall be entitled to one vote for each share owned. The board of directors shall elect one of their number president, and shall elect a treasurer, who shall give bond, with good and sufficient security, for the safe-keeping of the assets of the association, and a faithful discharge of the duties of his office.

When elections to be held.

§ 8. The object of this association is to enable its members, by their savings and accumulations, to acquire homes and other property; its business to buy and sell real estate, to loan its capital stock as paid in, and the accumulations thereof, preference being given in all cases to members of said association; said loans shall be made at such rate of interest, not exceeding ten per cent., as may be agreed by the parties thereto. The association shall have the right to insure the mortgaged property of the borrower for any space of time, not to exceed the time of payment of the loan, at the expense of the borrower; but the association may, if the board of directors think proper, invest a part of the funds in establishing and conducting manufacturing establishments in or near Owensboro.

Object.

§ 9. Said association shall have power to issue and sell or hypothecate its bonds, with coupons attached, for any sum, not exceeding the sum of its capital stock paid up, and make the same payable at such time and place as may be deemed most advisable; but such bonds shall not bear a rate of interest exceeding ten per cent. per annum, to be paid annually or semi-annually, as the corporation may direct.

May issue bonds.

§ 10. As soon as practicable, after the association is ready to go into operation as provided in section six, the corporators shall call a meeting of the stockholders, giving reasonable notice of the time and place of such meeting, for the election of officers, who shall have authority to

1873. make and pass by-laws for the government of said association, not inconsistent with this charter nor the Constitution and laws of the United States or of the State of Kentucky.

§ 11. This act shall take effect from the date of its passage.

Approved April 21, 1873.

CHAPTER 953.

AN ACT for the benefit of school district No. 29, in Washington county.

WHEREAS, The school-house in district No. 29, in Washington county, has been burned, and the trustees have not been able to rebuild said house in time to teach a common school in the present school year ending June 30th, 1873; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Superintendent of Public Instruction is hereby authorized to certify the amount due district No. 29, in Washington county, for the year ending June 30th, 1873, to the Auditor, who shall draw his warrant on the Treasurer in favor of the common school commissioner in payment of the same, which shall be collected, and paid for the tuition of the common school, upon the report of the trustees thereof.

§ 2. That the trustees of said district shall have the time to teach a common school extended from June 30, 1873, to June 30, 1874.

§ 3. That this act shall take effect from its passage.

Approved April 21, 1873.

CHAPTER 954.

AN ACT to amend an act, entitled "An act to incorporate the Louisville Orphans' Home Society," approved February 26th, 1849.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the property of the Presbyterian Orphans' Home Society, of Louisville, incorporated by an act approved March 10th, 1870, be, and the same is hereby, exempt from taxation.

§ 2. This act shall take effect from its passage.

Approved April 21, 1873.

CHAPTER 955.

1873.

AN ACT to repeal an act, entitled "An act to declare certain lakes and creeks in Ballard county navigable."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to declare certain lakes and creeks in Ballard county navigable," approved the 31st [of] January, 1873, be, and the same is hereby, repealed.

§ 2. That this act shall take effect from and after its passage.

Approved April 21, 1873.

CHAPTER 957.

AN ACT to incorporate the Minett Orphan Asylum of the city of Louisville.

WHEREAS, By the will of Julius C. Minett, late of the State of New Jersey, which will has been ordered to record in the office of the Jefferson county court, there is the following devise, to-wit: "Ninth. It is my will, and I do give a certain parcel of real estate, containing about two acres, in the city of Louisville, Kentucky, it being the undivided one half of four acres now held by Israel B. Alford, of said city, and myself, to build an orphan asylum upon, to be under the control of the rector and church wardens of the various Protestant Episcopal Churches as a board of directors, and the bishop of the diocese as president, within the precinct of the said city. It is my will, and I do give, one thousand dollars towards a permanent fund for the endowment of said asylum: *Provided*, That, although under the control of only Episcopal, it shall be free to the orphans of all denominations and races of men;" now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Right Reverend Benjamin B. Smith, Bishop of the Protestant Episcopal Church in the diocese of Kentucky, James Craik, rector, and John M. Robinson and William Cornwall, wardens of Christ Church; E. T. Perkins, rector, and W. F. Bullock and R. A. Robinson, wardens of St. Paul's Church; Wm. C. Butler and Jas. P. Arnold and D. L. Miller, wardens of St. John's Church; Louis P. Tscheffelly, rector, and J. M. Bodine and Silas F. Miller, wardens of Grace Church; C. H. Shield, rector, and W. S. Parker and J. E. Hardy, wardens of St. Andrew's Church; W. H. Platt, rector, and Louis Tripp and James Bridgefords, wardens of Calvary Church; Robert M. Baker, rector, and Horace Gooch and Arthur Heder, wardens of Zion's Church; Joseph S. Malone, rector, and Wm. A.

Corporators' names.

1873. Meriwether and Wm. McCreedy, wardens of Emanuel Church; Thomas G. Porter, rector, and John W. Stine and Thomas J. Wyatt, wardens of Trinity Church; Louis P. Tschiffelly, rector, and C. W. Parsons and J. H. Bunce, wardens of St. Peter's Church; J. N. Norton, rector, and N. B. Rodgers and H. Pickett, wardens of the Church of our Merciful Saviour; James Craik, rector, and Wm. Babb and Henry W. Barrett, wardens of the Church of the Advent, being the rectors and wardens of the various Protestant Episcopal Churches in the city of Louisville, and their successors in office, be, and they are hereby, declared a body-corporate, under the name and style of the president and directors of the Minett Orphan Asylum of the city of Louisville; and by that name may take and hold to themselves and their successors in office the real estate and money devised as aforesaid, to be used and applied as required by the terms of said will. The said corporation may also take, by purchase or devise, and hold the same, as aforesaid, any other property or money for the purposes of said institution, the interest on which shall not exceed the sum of ten thousand dollars per annum.

Name and style.

Corporate powers.

Directors.

Executive committee.

May make by-laws.

§ 2. The Bishop of the Protestant Episcopal Church in the diocese of Kentucky, and the rectors and wardens for the time being of the several churches named in the first section of this act, shall always constitute the board of president and directors as provided therein.

§ 3. It shall be competent for the said board to designate one rector or warden from each of the churches aforesaid, who shall constitute an executive committee, whose duty it shall be to administer the affairs of said asylum, and a majority of said committee shall be competent to do business.

§ 4. It shall be competent for the president and directors to make such regulations and by-laws, from time to time, not inconsistent with this act, as to them may seem proper and necessary.

§ 5. This act shall take effect from its passage.

Approved April 21, 1873.

CHAPTER 959.

AN ACT to incorporate the Calhoun and Rockport Packet Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there shall be, and hereby is, created a corporation, by the name of the "Calhoun and Rockport Packet Company," with a capital stock of twenty thousand dollars, which may be increased to an amount not exceeding

Name and style, and capital stock.

1873.

fifty thousand dollars, to be divided into shares of twenty-five dollars each; which corporation shall have perpetual succession, and by its corporate name may sue and be sued, plead and be impleaded, answer and defend, in all courts and places as a natural person; may have and use a common seal, and alter and renew the same at pleasure; and may make and establish by-laws, rules and regulations, for the efficient conduct of its business, and exercise all and any of the powers of a corporation necessary or proper to carry out the true intent and purpose of its creation.

§ 2. That said corporation shall have power and right to transport persons and property to and from the town of Calhoun, on Green river, to the town of Rockport, or other points in the pool, between locks and dams numbers two and three, on Green river, and along such river and such other rivers as may be necessary in the efficient and successful carrying on of commerce and navigation on said rivers; and may own, buy, construct, repair, charter, hire, sell, and convey steamboats, flats, keels, and other water-craft, with all equipments, appendages, and other personal property; and may also acquire, by lease or in fee, any necessary landings, wharves, or other real estate for the purposes of the corporation, and sell and convey the same at pleasure, and do generally whatever is necessary to make efficient the said business of commerce and navigation on said rivers, and may make contracts with shippers to limit or fix its liability as common carriers.

Corporate powers.

§ 3. The property of said corporation, and the power to manage and control its business, shall be vested in a board of seven directors, to be elected by the stockholders at such time and place as the by-laws of said company shall direct; but said directors shall be elected annually, and shall hold their offices for one year, and until their successors are elected; in the election of the directors each share of stock shall entitle the holder to one vote, and the votes of the stockholders may be cast by themselves in person or by proxy, under such regulations, after the first election, as may be prescribed by the by-laws.

Directors to control affairs.

§ 4. That R. A. Robinson, J. D. Allen, John A. Carter, James Trabue, W. B. Rose, J. T. Jackson, Remus H. Glover, W. H. Hilsman, J. W. Belt, J. W. Johnson, John Crow, J. M. Bickers, Henry Griffith, Thos. H. Frayser, Jos. Cunningham, Benj. Boyd, Cyrus Gates, and Isaac Lieber, are hereby appointed commissioners, any three or more of whom may act, to open books and receive subscriptions of stock in said corporation; and when not less than two hundred shares have been subscribed, the commissioners who have opened said books shall, by a written notice

Commissioners' names and duties.

1873. addressed to each subscriber, deposited in the post-office, call a meeting of the stockholders in Calhoun or the city of Louisville, as they may elect, to elect a board of directors; and the votes of the stockholders may be given in person or by written proxy; and the seven persons receiving the largest number of votes shall be declared directors, and hold their offices until their successors are duly elected.

§ Duties of directors.

§ 5. After each election of directors, those elected shall choose one of their number as president of the board, who shall preside at directors' meetings, and be the chief officer of the corporation; they shall also appoint all other necessary officers, and provide for their compensation, and take all necessary bonds from officers of trust to insure a faithful discharge of their duties.

Qualifications of directors.

Vacancies—how filled.

§ 6. No person shall, at any time, be voted for or appointed a director who is not at the time a stockholder in said corporation; and vacancies by death or resignation in the board, between the annual elections, shall be filled by the board or a quorum thereof; and a majority of the board in office shall at all times be a quorum for business.

When and how stock may be forfeited.

§ 7. That said board shall demand payment of stock subscribed for, in such installments and at such times as they may deem expedient; and if all the stock is not subscribed for before their election, the said directors may open and keep open books for additional subscriptions of stock, not to exceed, however, in the aggregate, twenty thousand dollars, unless the directors should deem it to the interest of the company to increase the capital stock to fifty thousand (\$50,000) dollars, and in that event may open books for subscriptions to the capital stock to that amount, or may sell that not subscribed for, for the benefit of the corporation; and may, by rules and by-laws, provide for the forfeiture to the company of any share or shares of stock subscribed and not fully paid for when required; and may provide for the transfer of certificates of stock, which shall be deemed as personal estate, and shall pass as such.

No individual liability of stockholders.

§ 8. The stockholders shall not be individually liable for the contracts, debts, or liabilities of said corporation.

May issue bonds and secure same by lien.

§ 9. That the president and directors of said company shall have the power to issue the bonds of said corporation in any sums not to exceed in the aggregate the amount of capital stock, which bonds shall have coupons attached, and shall bear interest not to exceed ten per cent. per annum, payable semi-annually; and such bonds shall be made payable, not to exceed ten years from their date, as the president and directors shall determine; and the holders of said bonds shall have a lien upon all the property, real and personal, of said company, to secure the payment of

the same, and the lien hereby created shall be specified on the face of said bonds. 1873.

§ 10. This act shall take effect from its passage.

Approved April 21, 1873.

CHAPTER 960.

AN ACT to incorporate the Southwest Kentucky Immigration and Real Estate Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all persons who shall become and be stockholders in the company hereby authorized shall be a body-politic and corporate in perpetuity, by the name of the "Southwest Kentucky Immigration and Real Estate Company;" and shall in this name be capable of contracting and being contracted with, suing and being sued; and may have a common seal, and alter the same at pleasure; and shall be capable in law of purchasing, leasing, or selling real estate in any county of this State west of the Tennessee river, and of purchasing and holding or disposing of such personal estate as may be necessary for the purpose of encouraging immigration to, and the improvement of lands in, any such county.

§ 2 That L. S. Trimble, J. M. Bigger, S. B. Caldwell, John Martin, A. Goldsmith, M. Livingston, J. W. Kaskel, Abe Wolff, M. Bloom, and John A. Miller, of McCracken county; G. S. Jones, Thos. M. Freeman, W. C. Holland, J. H. Stroud, and J. O. Johnston, of Marshall county; John L. Irvan, Howel Smith, R. L. Elison, J. S. Godwin, J. Z. Sledd, and C. D. Boaz, of Calloway county; J. P. Smith, J. M. Smith, J. J. McGee, W. W. Tice, Ervin Anderson, and Joshua Boaz, of Graves county; Z. W. Bugg, Thomas H. Corbett, W. M. Coffee, Sidney Taylor, Wm. Reeves, and Cornelius Stahl, of Ballard county; John P. Gray, John Brummel, George Moss, Milton Wright, N. P. Moss, Wood M. Jones, and Finley Renick, of Hickman county; and Henry A. Tyler, C. L. Randle, John Gardner, G. S. Miles, J. H. Dodds, B. R. Walker, and Thomas E. Gleason, of Fulton county, are hereby appointed commissioners, under the direction of any two of whom books may be opened for the subscriptions to the capital stock of said company.

§ 3. The capital stock of this company shall be any amount the company may determine, not exceeding one hundred thousand dollars, which shall be divided into shares of fifty dollars each; and the stockholders shall not be individually liable for any acts or omissions of the company.

1873.

When company
may organize.

§ 4. Whenever one thousand dollars of the capital stock shall have been subscribed, the stockholders, or a majority in interest, in person or by proxy, shall meet in the city of Paducah, and proceed to elect from their number a president and seven directors to manage the affairs of said company. Each share of stock shall entitle the stockholder to one vote. The president and directors may appoint a secretary and treasurer, and such other officers or agents as they may deem proper, and prescribe their duties, and require the treasurer to execute covenant, with surety, to the company, in such sum, form, and manner as they may prescribe.

How deeds and
conveyances to be
made legal.

§ 5. Deeds and other conveyances, executed by the company, shall be signed by the president, and at least a majority of the directors, and attested by the clerk, under seal of the company, and when so executed, and then acknowledged by the president before the county court clerk or other officer authorized to take the acknowledgment of deeds, the same may be recorded.

May make by-
laws, &c.

§ 6. The said company may pass such by-laws and adopt such rules, not inconsistent with the laws or Constitution of this State or of the United States, as may be deemed necessary to carry out the purposes and objects of the company, which are to improve the lands and develop the resources of said counties by encouraging immigration thereto and settlement thereon.

§ 7. This act shall take effect from its passage.

Approved April 21, 1873.

CHAPTER 961.

AN ACT to incorporate the Falmouth Turnpike Road Company, in Pendleton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Name and style.

§ 1. That a company shall be, and the same is hereby, incorporated, under the name and style of the "Falmouth Turnpike Road Company," having in view the construction of six miles of road, on the macadamized plan, leading from Falmouth, Pendleton county, Kentucky, in three several directions, of two miles each: one of said roads beginning at the east end of the bridge over main Licking river at said town, and extending in the direction of the Bracken county line two miles from the place of beginning; one from the corporation line of said town, on the west, crossing the bridge over the South Fork of Licking near Falmouth, in the direction of Williamstown, Grant county, extending two miles from the place of beginning; the other beginning at the corporate line of said town, on

Route of road.

the south, running in the direction of Claysville, Harrison county, extending two miles from the place of beginning; and that by the name and style aforesaid said company may sue and be sued, contract and be contracted with, plead and be impleaded, and use and have a common seal, and alter and amend the same at pleasure.

1873.

§ 2. The capital stock of said company shall be sixteen thousand dollars, to be increased or diminished at the pleasure of the company, to be divided into shares of fifty dollars each, giving to the holder or holders thereof one vote for each share.

Capital stock.

§ 3. That the board of trustees of the town of Falmouth be hereby authorized and empowered to subscribe a sum, not less than ten thousand dollars, in stock of said company, and increase the same, if necessary, for the completion of said roads; the money for the stock so subscribed by said town to be raised by taxation on the real and personal property of the citizens thereof, for which purpose said board of trustees are hereby empowered to levy a tax sufficient to raise the sum required for the construction of said roads, less the amount of stock that may be subscribed by individuals; or they may issue the bonds of the town of Falmouth for the whole amount to be raised, or any part thereof; said bonds to run not less than five or more than ten years, bearing interest at the rate of ten per cent. per annum, said interest to be paid annually: *Provided, however,* That before making said subscription or levy, the question of making subscription shall be submitted to the qualified voters of said town, for their approval or rejection; a majority of those voting shall carry, or reject, as the case may be, and for which purpose an election shall be held, after at least ten days' notice being given of the time and place of holding the same.

Trustees of Falmouth may take stock and levy tax to pay same after submission to people.

§ 4. That Charles Duncan, J. F. Robbins, and Charles F. Broseke are hereby appointed commissioners, whose duty it shall be to give notice of the election, as required in the preceding section; to appoint discreet and proper persons to solicit subscriptions of stock to said roads, and to receive the subscription lists of stock when obtained.

Commissioners' names and duties.

§ 5. That so soon as the matter is submitted to the citizens of Falmouth, and the vote taken thereon as provided herein, and the same resulting in favor of said subscription being made by the authorities of said town, said commissioners, or any two of them, shall then give public notice, for at least ten days, of a meeting of the stockholders, for the purpose of electing a president and five directors of said company, a majority of whom shall be competent to do business, and to do all things authorized by this act to be done by the president and directors; and the management of the fiscal and prudential affairs of

Directors to be elected, and their duties and term of office.

1873. said company shall be confided to said president and directors, and their successors in office, to be chosen annually, at such times and places as said president and directors may, from time to time, appoint, and who shall continue in office for one year, or until their successors are elected and qualified

Trustees to cast
vote of town.

§ 6. The president and board of trustees of said town shall have the power to cast the vote of the town, but not for themselves or their successors in office, but for some other citizen or citizens of the town.

Board to ap-
point officers and
require bond.

§ 7. The president and directors shall have power to appoint all officers and agents, including gate-keepers, that may be deemed necessary by them to carry out the purposes of this act, and to remove the same at pleasure; they shall have power to require of all officers, agents, or gate-keepers appointed by them, bond and security, in such penalties as they may require, conditioned for the faithful performance of the duties incumbent upon them as such.

Width and grade,
and when gate
may be erected.

§ 8. That said road shall not be less than forty feet wide; the width of grade shall be twenty feet, clear of ditches, and the metal not less than sixteen feet wide; that whenever said roads, or either of them, shall be completed, the company may erect a toll-gate upon each and every one so completed, locating the same at either end of said road, or along the line thereof, at their option, and charge tolls thereat, not exceeding one half of the rates now authorized by law on roads made under the general turnpike laws of this State.

May acquire
right of way by
writ, &c.

§ 9. The president and directors of said road shall have the right and power to acquire the right of way for said roads, and for earth, stone, and gravel, or timber for its construction, by voluntary concessions and releases, or by private contract with the landholder: *Provided, however,* If the right of way and material cannot be had as above indicated, the same may be condemned under the title of the Revised Statutes, entitled "Turnpike and Plank Roads."

§ 10. When the stockholder shall have made full payment of his stock, it shall be the duty of the president, over his signature, to issue certificates of stock to all persons entitled to the same, attested by the secretary of said company.

§ 11. That power is given unto the president and directors of said company to discontinue all ferries and stop all lateral roads within three fourths of a mile of either of said roads when the same are fully completed.

§ 12. This act shall take effect from and after its passage.

Approved April 21, 1873.

CHAPTER 962.

1873.

AN ACT to amend the charter and laws of the town of Bellview, in Campbell county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the board of trustees of said town shall consist of six members and a president, all of whom shall be elected by the qualified voters of said town, and shall hold their offices for two years: *Provided*, That the term of office of one half of said trustees first elected under this act shall expire at the end of one year from their election and qualification; such half to be determined by lot by the board, immediately after its organization, and the same to be entered of record upon the minutes of said trustees; and thereafter one half of said board shall be elected each year.

Trustees to be elected, and their term of office.

§ 2. That for the purposes of election and representation said board of trustees may, at their option, divide said town into wards as near equal in territory and population as may be, and so as to apportion the said representation by trustees equally in each ward; and may alter and change said wards, or their number, from time to time: *Provided*, That no such division, alteration, or change shall affect any election theretofore had, nor officers theretofore elected; nor shall any such division, alteration, or change be made in less than ninety days before a general election of trustees; nor until the same has been considered in at least two public meetings of said board of trustees at intervals of at least one week. No person shall be eligible as such trustee unless he be a resident of the ward he presumes to represent.

Board may lay off town into wards.

§ 3. That the clerk and treasurer of said town shall also be elected and hold their offices for two years.

Term of office of clerk and treasurer.

§ 4. That said board of trustees be, and are hereby, empowered to assess, levy, and collect, in the usual manner, a special tax of not exceeding forty cents upon the one hundred dollars' valuation of the property now taxable by law in said town, and shall apply the same for the purposes of erecting and providing a public school-house and premises and appurtenances in said town, and furnishing and equipping the same; said special tax to cease when said purposes are accomplished. Said trustees may also increase the tax leviable for general school purposes in said town, under the present laws, to not exceeding thirty cents per year upon the one hundred dollars' valuation, and for general revenue purposes not exceeding forty cents per year upon the one hundred dollars' valuation of the taxable property of said town; and may also levy and collect a poll-tax of not exceeding two dollars per year upon each voter in said town.

May levy and collect school-tax

1873. May require improvement of streets, &c. § 5. That hereafter the said board, by a vote of at least two thirds of the trustees, upon a call of the yeas and nays, shall, without any petition therefor, have the same power to order and require the improvement or repair of the whole or any part of any street, alley, or public way, and to levy and collect the special tax therefor, that said board has by law, when such improvement or repairs are petitioned for by the requisite property-holders.
- § 6. This act shall take effect from its passage.

Approved April 21, 1873.

CHAPTER 963.

AN ACT to establish an additional justices' district in Bath county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That for the purpose of establishing an additional justices' district in Bath county, the districts commonly known as the Mudlick and White Sulphur districts shall be divided as follows, to-wit: By a line beginning at the crossing of Slate creek, near Old Slate Furnace, running with the main county road, passing near the Olympian Springs, continuing with said road to the Menifee county line.

§ 2. That that territory of the said districts thus divided, lying south and west of the said dividing line, shall constitute justices' district No. 7.

§ 3. That it shall be the duty of the county judge, at least one month before the next August election, to establish one voting place in said district No. 7, and readjust the voting places in the Mudlick and White Sulphur districts, should it be found necessary.

§ 4. That said district No. 7 shall be entitled to elect two justices of the peace and one constable, at such times as may be provided by law for the regular election of such officers after the month of May, 1873.

§ 5. That this act take effect from and after its passage.

Approved April 21, 1873.

CHAPTER 965.

AN ACT for the benefit of Wm. T. Moore.

WHEREAS, Wm. T. Moore was duly commissioned by the Governor of Kentucky as chaplain of the 68th regiment of enrolled militia, and served as such, and performed the duties thereof for thirty days' actual service;

and whereas, said Wm. T. Moore failed to receive the pay due him for his said services when the balance of the regiment was paid off; for remedy thereof,

1873.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts is hereby directed to draw his warrant in favor of Wm. T. Moore for one hundred dollars.

§ 2. This act to have force and effect from and after its passage.

Approved April 21, 1873.

CHAPTER 966.

AN ACT for the benefit of Alexander Cook and Sarah Cook, of Trimble county.

WHEREAS, An act was passed by the General Assembly, and approved March 29th, 1872, whereby all the sureties of James B. Cook, late sheriff of Trimble county, were released from the payment of the balance due upon a judgment against the said Cook, obtained in June, 1867, in the Franklin circuit court, except Alexander Cook and Sarah Cook; and whereas, it appears that the last named parties have given up all their property to satisfy said judgment, and they are now poor; the said Sarah Cook being old and dependent upon her son, the said Alexander Cook, for support; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Alexander Cook and Sarah Cook are hereby released and discharged from further liability on said judgment: *Provided*, That nothing in this act shall be so construed as to in any manner release Jas. B. Cook, late sheriff, from any portion of said judgment.

§ 2. This act shall be in force from its passage.

Approved April 21, 1873.

CHAPTER 967.

AN ACT for the benefit of Thomas P. Cardwell and William Spencer, of Breathitt county.

WHEREAS, It has been made known to this General Assembly that Thos. P. Cardwell and William Spencer, of the county of Breathitt, obtained from the county court of Breathitt county a large number of land warrants for

1873. the purpose of entering vacant and unappropriated lands, and the surveyor was to locate the warrants, and it is thought that part of the warrants has been located on land covered by former patents ; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That Thos. P. Cardwell and William Spencer be, and they are hereby, released from all further payment of all the land warrants that is ascertained to have been located on patented land, through mistake or otherwise ; and that so soon as it is ascertained that said warrants, or any part of them, was located on land heretofore patented, then the county court of Breathitt county shall cause to be refunded to said Cardwell and Spencer the full sum of the warrants that is ascertained to have been located on land formerly surveyed and patented.

§ 2. This act shall take effect from its passage.

Approved April 21, 1873.

CHAPTER 968.

AN ACT to amend the charter of the Eminence and Fox Run Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the charter of the Eminence and Fox Run Turnpike Road Company be so amended, as to release the company from the care or responsibility of keeping in repair of any part of said road now in the corporate limits of the town of Eminence, and shall only collect tolls on that part of said road outside of the corporate limits of said town.

§ 2. This act to take effect from its passage.

Approved April 21, 1873.

CHAPTER 969.

AN ACT for the benefit of George W. Sewall, common school commissioner of Breathitt county.

WHEREAS, George W. Sewall, common school commissioner of Breathitt county, made a change in the boundaries of school districts Nos. 4 and 5, by which twenty-nine children were transferred from district No. 5 to district No. 4 ; and whereas, said Sewall, through an innocent misapprehension of the requirements of law, failed to give the written notice to the trustees of the two said districts to be affected by the change, so as to afford them an oppor-

tunity to resist the proposed enlargement; and whereas, parties claiming to be trustees of district No. 5 have appealed from the action of said commissioner to the State board of education, and said appeal has been sustained, which makes said Sewall liable for the pro rata due said twenty-nine children, illegally transferred from district No. 5; therefore,

1873.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Superintendent of Public Instruction is hereby directed to certify and direct the payment of the sum of sixty-six dollars and ninety-nine cents, the pro rata amount to which said children in said district would have been entitled, to George W. Sewall, to be paid over by him to the trustees of district No. 5, payable out of any surplus that may remain to the credit of Breathitt county.

§ 2. This act shall take effect from its passage.

Approved April 21, 1873.

CHAPTER 970.

AN ACT for the benefit of school district No. 27, in Ballard county.

WHEREAS, Cerebro-spinal meningitis has prevailed to such an extent in Ballard county as to interrupt and prevent for several weeks the teaching of a common school in "East Blandville, district No. 27;" for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustees are hereby authorized to complete a five months' school any time during the calendar year, and the Superintendent of Public Instruction will pay the same as if it had been taught during the scholastic year.

§ 2. This act shall take effect from its passage.

Approved April 21, 1873.

CHAPTER 971.

AN ACT to incorporate the Mayslick and Mill Creek Turnpike Road Company, in Mason county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a body-corporate and politic be, and hereby is, created and authorized to be formed and organized, under the name and style of the Mayslick and Mill Creek Turnpike Road Company; and under that name and style shall have perpetual succession; may have a common seal; may contract and be contracted with, sue and be sued, in all the courts of this Commonwealth. Name and style.

1873.

Object.

§ 2. The object and business of said corporation shall be to construct, keep up, and maintain a turnpike road in Mason county, from a point on the Maysville, Paris, and Lexington Turnpike Road, near the residence of Dr. A. H. Walls, to the town of Lewisburg, on the Maysville and Mount Sterling Turnpike Road.

Capital stock.

§ 3. The capital stock of said company shall not exceed ten thousand dollars, to be divided into shares of fifty dollars each.

Commissioners' names and duties

§ 4. That books for the subscription of stock in said company may be opened at any time under the supervision of John McIlvain, B. F. Clift, Hugh P. McIlvain, Aquilla Chamberlain, and John Gabby, or any three of them, who are hereby constituted commissioners for such purpose. The subscribers for stock in said company shall sign the following obligation, to-wit: "We, whose names are hereto subscribed, do hereby obligate ourselves to pay to the president and directors of the Mayslick and Mill Creek Turnpike Road Company fifty dollars for each share of stock in said company hereby subscribed by us." The number of shares so subscribed by each person shall be designated opposite the subscriber's name, and such subscription may be upon such conditions as may be expressed in writing in any such subscription; and such subscription shall be binding on the condition therein stated.

When and how company may be organized.

§ 5. So soon as fifteen hundred dollars is subscribed to the stock of said company, it may be organized by the election of five directors, one of whom shall be elected by the directors as president; after the first election of said officers, the election thereafter for said officers shall be on the first Saturday in April of each year; each stockholder shall be entitled to one vote for each share of stock owned by him, which may be cast in person or by proxy. The president and directors shall be stockholders, and shall each take an oath faithfully to perform their duties as such, which shall be certified by the officer administering it, and filed with the papers of the company; and said officers shall serve until their successors are elected and qualified.

May receive additional subscription after organization.

§ 6. The said company, after it is organized, may receive additional subscriptions of stock in said company; and the Mason county court may subscribe stock in said company not exceeding one thousand dollars per mile.

Board to appoint officers, &c.

§ 7. The said president and directors shall have power to appoint such officers and agents as they may deem necessary for the transaction of their business, and may pass by-laws, rules and regulations, for their own government and the conduct of said company, not inconsistent

with this act, or with the Constitution of this State or of the United States. 1873.

§ 8. So soon as said company shall have their road completed and in good order for traveling, they shall be authorized to collect full toll for one gate, at the same rates as authorized by the charter of the Maysville, Paris, and Lexington Turnpike Road Company; they may erect a gate and toll-gate house, and collect tolls thereat as aforesaid.

When gate may be erected.

§ 9. The said company may receive releases of the right of way for said road, and ground for rock quarries and toll-houses, by consent or purchase; and if they deem it necessary, they may, by proceedings instituted in conformity with existing laws of this State on the subject of turnpike and plank roads (Revised Statutes, chapter 103), condemn land for the right of way over which said road may be located, and ground for toll-gates and toll-houses and rock quarries, just compensation being paid to the owners thereof, to be assessed by a jury empaneled for such purpose, according to law aforesaid.

May acquire right of way, &c., by writ of condemnation.

§ 10. The said road shall not be less than twenty-five feet wide nor more than fifty feet wide. Any person who shall unlawfully obstruct said road shall be subject to a fine of not less than five nor more than fifty dollars therefor, which shall, when collected, be for the use of said company, and shall be recoverable as other fines are recoverable by law. Said president and directors may pass by-laws fixing fines for a failure to pay toll, or for the evasion of toll on said road, which may be recovered as other fines of a similar amount are recovered under the laws of this Commonwealth, and be for the use of the company.

Penalty for obstructing road.

§ 11. Said president and directors shall prescribe in what installments the subscriptions of stock shall be paid; they may borrow money to assist in building said road not exceeding three thousand dollars, and give personal security therefor or a mortgage on said road and its franchises and property, which may be enforced and foreclosed.

May borrow money and secure same by mortgage.

§ 12. This act shall take effect and be in force from its passage.

Approved April 21, 1873.

CHAPTER 972.

AN ACT for the benefit of William Paul, William Dayton, and Milton Humble, of Robertson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for the court of claims of

1873. Robertson county to relieve and release Wm. Paul, Wm. Dayton, and Milton Humble, or either one or more of them, with the consent of the others, from liability upon judgments rendered against said Burns as late sheriff of said county, and said Paul, Dayton, and Humble, as his (Burns') sureties in his official bond for the collection of the county levies of said county levied for the years 1869 and 1870, and which judgments were rendered in the county court of said county: *Provided*, That the amount released shall not exceed one half of the whole amount of said judgments.

§ 2. This act shall be in force and take effect from its passage.

Approved April 21, 1873.

CHAPTER 973.

AN ACT for the benefit of the Tuckahoe Ridge Turnpike Road Company, in Mason county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter all persons owning lands adjoining the Tuckahoe Ridge Turnpike Road, in Mason county, and all persons occupying or living on said lands, as tenants or otherwise, who are required to work upon public roads in Mason county by existing laws, shall work out their said road tax upon said turnpike road under the direction of the president and directors, or some person appointed by them, at such times as they may direct; and all such persons so working out their said road tax shall be, and they are hereby, released from working upon any other of the public roads in said county.

§ 2. This act shall be in force from its passage.

Approved April 21, 1873.

CHAPTER 974.

AN ACT to amend an act, entitled "An act to establish a new charter for the city of Louisville," approved March 3d, 1870.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of the act, entitled "An act to establish a new charter for the city of Louisville," approved March 3d, 1870, as makes the office of notary public and that of councilman or alderman of the general council

of said city incompatible, be, and the same is hereby, 1873.
repealed.

§ 2. This act to take effect from its passage.

Approved April 21, 1873.

CHAPTER 975.

AN ACT to amend an act, entitled "An act establishing a new charter for the city of Louisville," approved the 3d day of March, 1870.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That from and after the current term of office of the present chief engineer of the fire department of the city of Louisville, that official shall be elected by the general council of said city upon joint *viva voce* vote ; and any law in conflict herewith is hereby repealed, so far as it relates to this act.

§ 2. This act shall be in force from its passage.

Approved April 21, 1873.

CHAPTER 976.

AN ACT to amend an act, entitled "An act for the benefit of W. E. Duncan, late sheriff of Warren county, and his sureties," approved February 6, 1873.

WHEREAS, By an act of the Legislature, approved the 6th day of February, 1873, the Auditor of Public Accounts was authorized and directed to credit a judgment in the Franklin circuit court against W. E. Duncan, late sheriff of Warren county, and his sureties, for the revenue due from said county, with the damages, recited in said act to be four thousand eight hundred and fifty-nine dollars ; and whereas, it is now ascertained that said damages only amount to the sum of two thousand seven hundred and twenty-one dollars and two cents ; and to correct said mistake,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act for the benefit of W. E. Duncan, late sheriff of Warren county, and his sureties, be, and the same is hereby, so amended as to authorize and direct the Auditor of Public Accounts to allow on the judgment aforesaid, as damages against said sheriff and his sureties, the sum of two thousand seven hundred and twenty-one dollars and two cents, instead of four thousand eight hundred and fifty-nine dollars, as authorized in the original act to which this is an amendment.

1873. § 2. So much of said act as comes in conflict with this act, is hereby repealed.

§ 3. This act to take effect from and after its passage.

Approved April 21, 1873.

CHAPTER 977.

AN ACT to amend and reduce into one the several acts concerning the management of the Wilderness Turnpike Road.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Gates changed.

§ 1. That the toll-gate in Bell county, kept in Pineville, on said road, be, and the same is hereby, abolished, and that hereafter but one gate shall be kept on said road from Cumberland Gap to the forks of said road, at John Pitman's, in Laurel county, which gate shall be kept at Flat Lick, in Knox county, or between Flat Lick and Cumberland Ford, in Bell county.

Gate to be annually sold to the highest bidder.

§ 2. The gate shall be annually sold to the highest bidder, and the judge of the Knox county court is authorized, by himself or some one he may designate and appoint, to make said sale at public outcry on the Saturday before the third Monday in July, 1873, or at such other time as the county courts of Knox and Bell counties may designate, at Flat Lick, having first given reasonable notice of the time and place of sale, and terms thereof, by posting notices thereof on the court-house doors in Pineville, Barbourville, Loudon, Flat Lick, and such other places as the county judge may think proper; that the purchaser of said gate shall execute bond, with security, to be approved by said judge, payable to the Commonwealth of Kentucky, for the amount bid, payable quarterly, in equal installments, which bond shall be entered of record in the order-book of the Knox county court.

Purchaser may collect tolls.

§ 3. That the purchaser of said gate, by himself or his agent, shall be authorized to collect and receive, from those passing through said gate, except from the citizens of Bell and Knox counties, who shall be exempted from paying toll at said gate; any person failing or refusing to pay, or going round said gate to avoid the payment of the toll herein stipulated, shall be subject to a fine of ten dollars for every such offense, recoverable before any justice of the peace in the name of the gate-keeper, one half of said fine to go to the informer, and the remainder to the road.

Rates of toll.

§ 4. That the following rates of toll shall be charged and collected at this gate from and after the sale of the same, viz: For each wagon with four or more horses, one dollar and fifty cents; for each wagon with three horses,

1873.

mules, or oxen, one dollar and twenty-five cents; for each wagon with two horses, mules, or oxen, seventy-five cents; for each wagon with one horse or mule, fifty cents; for each brake wagon and team, one dollar and twenty-five cents; for four-wheeled carriages, buggies, or other vehicles herein mentioned, and team, one dollar and fifty cents; dearborn, or buggy and team, seventy-five cents; two-wheeled carriage and team, seventy-five cents; cart with team, thirty-five cents; horse, mule, &c., with rider, twenty cents; horse, mule, jack or jennet, each, ten cents; neat cattle per head, five cents; sheep or hogs per head, two cents; two-horse mail coach, seventy-five cents.

§ 5. That the proceeds arising from the sale of said gate shall be proportioned on said road from Cumberland Gap to the forks of the same, at John Pitman's, in Laurel county, according to distance; that the gate-keeper shall proportion the same, which shall be held by him subject to the orders of the county courts of Bell, Knox, and Laurel counties, two thirds of which shall be applied to the payment of the outstanding indebtedness of the road, the remaining one third to be applied to the repairing and improvement of the road until the entire indebtedness of the road is paid off and discharged, and then the whole of the proceeds arising from the sale of said gate to be applied to the improvement of the road.

How tolls shall be applied.

§ 6. That the county courts of Bell, Knox, and Laurel counties shall have jurisdiction over that portion of said road within their respective counties, each one of which shall appoint an overseer for that part of the road embraced within the limits of their respective counties, who shall employ hands to work on said road, and shall require all persons subject to work on county roads residing on or within one mile of said road to work on the same, not exceeding fourteen days in any one year; and if any person subject to work on said road shall fail or refuse to work on said road, or furnish an able-bodied substitute to work in his place, after having at least two days previous notice of the time and place to work, shall be subject to a fine of two dollars and fifty cents for each day he so fails or refuses to work, which may be recovered before any justice of the peace in the name of the Commonwealth, one half of the fine to go to the informer and the remainder to the improvement of the road.

Powers and jurisdiction of county courts over roads.

Overseers to call out hands.

Penalty for failing to work road.

§ 7. The overseers shall each, from time to time, as directed by the court, state and settle their accounts with the county judge of their respective counties, who shall allow said overseer a reasonable compensation for his services, and which shall be certified to the gate-keeper for payment out of the proportionate amount due that part of the road. That such overseer shall at no time ex-

Overseers to settle accounts, and their compensation.

1873. pend more money in any one year than the amount due his part of the road.

County courts
to appoint com-
missioners to set-
tle affairs of road.

§ 8. That the county courts of Bell, Knox, and Laurel counties shall each appoint commissioner of their county, who shall require the former and present county judges of said counties, who may or have had in their hands any of the money [belonging] to said road, also the former and present gate-keepers on said road, to settle and show what amount of money has come to their hands, how, and to whom, and for what purposes, they have disbursed the same. That said commissioners, or any one of them, may set a day, after the passage of this act, to meet in Barbourville, who shall notify all parties of the time and place of settlement. Said commissioners shall have power to send for persons and papers, and coerce the attendance of any of the parties by process. That said commissioners shall ascertain, as near as they can, the indebtedness of the road, and to whom the same is owing, and shall report, in writing, to the county courts of their respective counties, which report shall be entered of record, and remain in the clerk's offices of the respective counties, to be open to all persons for inspection: *Provided further*, That all the creditors of said road shall file before said commissioner a list of their respective debts, the amount of the same, and when due, which list shall be returned to the county courts by said commissioners, together with their report as aforesaid, which shall be recorded by the county court clerks of the respective counties in a book kept for that purpose, which debts shall be paid off according to priority of date as shown from said record.

Powers and
duties of said
commissioners.

Toll-gate on Crab
Orchard branch
to be treated in
same way.

§ 9. That the toll-gate now kept on the Crab Orchard branch of said road, at Rockcastle river, be sold in like manner as the gates aforesaid; and the judge of the Rockcastle county court, or some one he may appoint, is hereby authorized to make sale of the same on the second Saturday in July, 1873, at or near the tavern-house of Ben Goodin on said road, having first made known the time, place, and terms of such sale by posting notices on the court-house door in Mt. Vernon and London, at Livingston Station, and R. P. Gresham's, at least twenty days previous to the day of sale. The purchaser of said toll-gate shall execute bond for the amount bid, with security, to be approved by said judge, payable to the Commonwealth quarterly, in equal installments, said bond to be filed with the county court clerk, and the approval of the same by said judge to be noted of record on the order-book of said court. That said toll-gate shall be kept between Livingston Station and the top of the River Hill at the old Moore houses.

§ 10. That the Rockcastle county court shall have jurisdiction over said road from the forks of the same, at John Pitman's, to the end of the pike near Crab Orchard, with authority to appoint an overseer of the same, and require all persons, who by existing laws are required to work on said road, not exceeding six days in any one year, under like pains and penalties as are stipulated in section six of this act.

1873.

Power of Rockcastle court, and duties of overseer

§ 11. That the gate-keeper shall hold, subject to the order of the Rockcastle county court, one half of the amount bid for said gate, which shall be applied to the payment of the outstanding indebtedness of said gate, and the other one half to be expended in improvements and repairs on said road, until all the outstanding debts and liabilities of the same are discharged; then the whole of the proceeds arising from such sale shall be applied to the improvement and repairing of said road.

How tolls on branch to be used

§ 12. That the present and former gate-keepers shall report, under oath, to the Rockcastle county court, the amount taken in on account of tolls at said gate from his last settlement with the court up to the sale of the gate under this act, which amount shall be entered on the order-book of said court, and which shall be held subject, and paid over on the order of the Rockcastle county court, as stated in the preceding section.

Gate-keepers to make report.

§ 13. That no person having charge of said gates shall charge or receive toll from persons, who by existing laws are exempt from the payment of toll at said gates, or charge or receive a greater toll than is fixed by this act and the present rate of toll fixed by existing laws for the Richmond and Crab Orchard branches; and a violation of this section shall subject the person so offending to a fine of ten dollars for every such offense, one half of which [to go] to the informer, and the residue to the benefit of the road.

Penalty for illegal charging of tolls.

§ 14. That all acts or parts of acts coming in conflict with the provisions of this act be, and the same are hereby, repealed: *Provided*, Nothing in this act shall apply to the Madison Fork of the Wilderness Turnpike Road.

§ 15. This act to take effect and be in force from and after its passage.

Approved April 21, 1873.

1873.

CHAPTER 978.

AN ACT to charter the Ohio River, Owenton, and Lexington Railway Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established and created a body-politic and corporate, under the name and style of the Ohio River, Owenton, and Lexington Railway Company; and by that name it shall have perpetual succession; may contract and be contracted with, sue and be sued, plead and be impleaded, answer and defend, in all courts and places as a natural person; and may have and use a common seal, and may alter and change the same at will; and shall have all other lawful powers usual and incident to corporations, and which may be necessary and requisite for carrying out the objects and purposes for which it is created and established.

§ 2. That U. P. Schenck and — Grizzard, of Vevay, Ind.; James S. Frank, H. Cox, J. V. Conn, John Howe, William Howard, Samuel Howard, Walton Craig, J. B. Tandy, W. B. Lindsay, and W. B. Williams, of Carroll county; R. H. Gale, Thos. Gayle, D. C. Stapp, J. Marcus Clarke, W. H. Montague, W. H. Moore, sr., A. B. Davis, E. C. Bainbridge, J. H. Dorman, H. P. Montgomery, A. Cox, M. McKay, J. D. Lillard, A. P. Grover, J. L. Hill, J. L. Gaines, N. W. Lee, and Thos. Southworth, of Owen county; W. P. Duvall, Dr. Q. Adams, Col. J. Sinclair, W. S. Darnaby, Jo. Adams, Jas. F. Robinson, J. A. Bell, John F. Paine, James E. Cantrell, and S. F. Gano, of Scott county; M. C. Johnson, John Mason Brown, W. P. C. Breckinridge, F. K. Hunt, Gen. Wm. Preston, and Gen. John C. Breckinridge, and James Mulligan, of Fayette county, or such of them as may choose to act, are hereby constituted and appointed commissioners to open books and receive subscriptions to the capital stock of said company, at such times and places, and upon such terms and conditions, as they may deem best; and subscription for such stock may be made by any non-residents, or foreign corporation or municipality.

§ 3. The capital stock of the said company may be any amount (not exceeding two millions of dollars) necessary for the construction and equipment of said railway; and the same shall be divided into shares of one hundred dollars each, and may be subscribed for, purchased, owned, and controlled by individuals, counties, towns, and cities, and other corporations in Kentucky and elsewhere, on an equal footing.

§ 4. Whenever subscriptions of stock to the amount or value of fifty thousand dollars shall have been made to the capital stock of said company, the commissioners shall

give at least ten days' notice thereof in one or more newspapers published in Carroll, Owen, Scott, and Fayette counties, and assemble the subscribers at some suitable time and place; and such of them as shall have paid one dollar in cash upon each share of stock subscribed by them respectively, shall proceed to elect from their own number nine directors for said company, and an annual election shall be held thereafter.

1873.

§ 5. That no person shall be elected president or director for said company who does not own at least one share of the capital stock thereof.

Qualifications of officers.

§ 6. That the board of directors may elect the president of the company from among their own number, or from among the other qualified stockholders owning not less than ten shares.

Directors to elect president.

§ 7. After the organization of the company by the election of a board of directors and president, as hereinbefore provided, the management and control of the property, business, and affairs of said company shall pass to and be committed to said president and directors, and to their successors in office.

Directors to control affairs.

§ 8. The president and directors of said company may, from time to time, enact and put in force such by-laws, rules and regulations, for conducting, managing, and governing its proper business and affairs, as they may deem proper, not inconsistent with this act, or with the constitution and laws of the United States and the Commonwealth of Kentucky, and alter, amend, and repeal the same at will. They may prescribe therein the number of directors necessary to constitute a quorum for the transaction of business. They may also appoint an executive committee, to consist of the president and three or more directors; and said committee may, when the board is not in session, exercise all the powers and rights vested in the president and directors, except where it has been otherwise provided in the by-laws.

Directors to make by-laws, &c.

§ 9. At the first meeting of stockholders for the election of directors, three commissioners herein appointed shall be judges of said election; and at future stockholders' meetings the directors may appoint three judges from among the stockholders to conduct the election. The board of directors shall have power to appoint a secretary and treasurer of the company, and also all such officers, agents, and employees as they may deem expedient for the business of the company, and may remove the same at pleasure; or the board may delegate to their president the same power to appoint as they deem proper, subject to their approval at their next meeting. And the board of directors shall fix such compensation for its officers and employees as may be just and proper; and may regulate by by-laws the manner of adjusting accounts

Regulations governing elections.

Board to fix compensation of employees.

1873. against the company, and the extent of the liability of the company to its employees ; and shall have power to erect, own, carry on, and control work-shops, eating-houses, warehouses, and buildings necessary or convenient for the uses of the company ; that they may direct and regulate in what manner and by what evidence stock in said company may be transferred ; and may pass all by-laws they may deem necessary and proper for exercising the powers hereby vested in said company, and for carrying into effect this act, and may alter the same at pleasure : *Provided*, The same be not contrary to the laws of Kentucky or the United States.

Vacancies—
how filled.

§ 10. That if any vacancy occur in the board of directors, or any of the offices [of] said company during the year, from resignation, death, refusal to act, removal from office, or other cause, a person to fill such vacancy may be appointed by the board ; and the president and all other officers of the company shall otherwise serve until their successors are elected. A general meeting of the stockholders may be held at any time during the year, upon call of the president and directors, or a majority of them, upon not less than twenty days' notice being given of said meeting, specifying the time, place, and objects of the same, in one or more papers published along the route of said road ; but at all stockholders' meetings a majority in interest of all the stockholders in the company entitled to vote must be present in person or by proxy, to give validity to the action of the same.

General powers
of directors.

§ 11. The president and directors may make contracts, which shall be signed by the president, with any corporation, company, individual or individuals, for making said road, or any part thereof ; and they may purchase or lease any railroad or railroads, or parts of same, connecting with their said road ; and the said company are hereby authorized and empowered to construct and operate any branch or branches to their said railroad, in or through any counties or county in this State, upon such terms and conditions, and with same powers and privileges, as are prescribed and granted in this act for the building of the main road of said company ; and the said company may connect its main road, or any of its branches, with the railroad of any other company, and use the same as part of its own road ; and it may consolidate with, and make running and operating arrangements with, any other railroad company, upon such terms as may be agreed upon by the contracting parties ; and it shall be lawful for the franchises and subscriptions of stock, granted and subscribed to any other railroad company, to be assigned and transferred to the said Ohio River, Owenton, and Lexington Railway Company ; and like powers and privileges

are hereby granted to any railroad company with which it may connect to receive, accept, and control any subscriptions made to it, which it may assign and transfer; and said company may also receive, from any other company, subscriptions to its capital stock; and may make subscriptions to the capital stock of other companies in or out of this State, to be paid in cash bonds, work, or other consideration of value, as may be contracted and agreed upon between the companies.

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§ 12. The said company, their agents, engineers, contractors, &c., may enter upon, use, and excavate any land, stone, timber, or other materials, after the same has been lawfully condemned and paid for, which may be wanted for the site of said road-way, or the erection of warehouses or other structures or works necessary and convenient to said road for its use, or for any other purpose necessary in the construction or repair of said road, or its works and appurtenances; and they may build bridges, and construct tunnels, trestling, &c.: *Provided*, That such bridge or bridges shall not obstruct navigation on any navigable stream; and may fix scales and weights, and use earth, gravel, stone, timber, and other materials necessary for the construction and repair of said road.

May condemn lands for right of way, &c.

§ 13. The property of said railway company hereby incorporated shall not be taxed at a greater rate than similar railways are now or may hereafter be taxed by law. Said railway company may construct or purchase a telegraph line near their road and branches, or may become owners of stock in any company which may construct such line of telegraph; and may establish an express company over their railroad, branches, and connections, and become owners of stock in such company, with the usual privileges of such companies, and subject to the usual restrictions upon them. The said company shall begin work in good faith within four years, and finish the same within seven years from the passage of this act, or forfeit the powers and franchises herein conferred.

Rate of taxation.

May construct and operate telegraph lines.

§ 14. Any county, city, or town making a subscription to the capital stock of said company shall have the option to make cash subscriptions, and in lieu of issuing bonds in payment, to provide for the payment of same by an annual tax on the taxable property liable under this act, and thus to cancel all obligations to issue bonds as herein provided: *Provided*, That such tax-payments shall not run over five years, and that the tax-payers shall be entitled to stock in the company to the amount of taxes paid, on the same terms; and collections shall be made on the same terms as are herein provided in case of issuance of bonds in payment. If any individual subscriber shall fail

Cities, counties, &c., may take stock by annual taxation in place of issuing bonds.

1873. to pay any installment, or any part of same, when demanded by the company, the same may be recovered by an action, in the name of the corporation, against said delinquent subscriber, before any court having competent jurisdiction; and if refusal to pay on the part of said subscriber shall continue for sixty days after payment is due, the board of directors may order the same to be forfeited to the company, and may sell the same for the benefit of the company.

Proceedings to
obtain right of
way, &c.

§ 15. That upon application of said company to the county court of any county through which it is proposed to construct the said railroad, such court shall appoint three commissioners, two of whom shall be residents of said county and one an engineer of said company, who shall be sworn faithfully to discharge their duties under this act to the best of their abilities; and whenever said company shall be unable to agree with the owner of any land, earth, stone, gravel, timber, or other material or thing required for the site or construction of said road, or whenever the owner of such land or material required is not a resident of said county, or who is a *feme covert*, infant, or *non compos mentis*, it shall be the duty of said commissioners to view the land or material required, and fix the amount of compensation to which the owner or owners may be entitled, and make out and return to the office of the county clerk a report in writing, particularly describing the land or material valued, and the interest and duration of interest valued, and the amount of damages, if any, assessed. The report of the commissioners shall give the name of the owner and state whether such owner is a resident of the county or not, and whether a *feme covert*, infant, or non-sane person. The clerk shall receive such report and file the same, indorsing thereon the time of its being filed; and if the owner reside in the county, he shall forthwith issue a summons commanding the owner or owners of such land to appear and to show cause why the report shall not be confirmed, which summons shall be forthwith executed by the sheriff or other officer in whose hands it may be placed. The report shall be docketed in the county court and stand for trial at any term of said court, commencing at any term not less than ten days after the service of the summons. If the owner is not a resident of the county, the court shall, at the first term after the report is filed, appoint an attorney to defend for such owner, who may file exceptions at any time not later than the following term; and upon exceptions being filed by the owner, or his or her attorney, or by the company, the court shall forthwith order a jury to be empaneled to try the question of compensation and damages, unless for good cause shown time is given for preparation.

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If no exceptions be filed, the report shall be confirmed. The jury and commissioners shall, in estimating the damages to any proprietor of land and material, after fixing a just compensation therefor, take into consideration the advantages accruing or which may accrue to said owner from the construction of the proposed railroad, and the proceedings shall otherwise be governed by the laws usually regulating such cases in this Commonwealth.

§ 16. That any city, town, or county through, into, or near which the said proposed road may be located, or which may be deemed sufficiently benefited by the construction of same, is hereby authorized to subscribe for the stock of said railroad company, in such amount any such city, town, or county may desire; and the mayor or council of any city, the chairman and trustees of any town, or the county court of any county, are hereby authorized to issue the bonds of their respective cities, towns, counties, or districts of counties, over which they may respectively preside. All said bonds shall be payable to bearer, with coupons attached, bearing not more than eight per cent. interest, payable semi-annually, the principal payable at such times as they may designate, not exceeding twenty years.

Towns, &c.,
may subscribe
stock and issue
bonds for same.

§ 17. Before any subscription by any city, town, or county, as provided in this act, is made valid and binding on the same, the mayor and council of any such city, the chairman and trustees of any town, or the judge of any county, having jurisdiction, may submit the question of any such subscription to the qualified voters of such city, town, or county, in and for which the subscription may be made, at an election which shall be appointed and held, not more than sixty nor less than twenty days after the date of such submission. The said election to be held as elections for city, town, or county officers respectively; and should a majority of the qualified voters voting at such election vote in favor of subscribing for stock in said company, it shall be the duty of the said mayor and council, chairman and trustees, or county judge aforesaid, to forthwith make the subscription, in the name of their respective city, town, or county, as the case may be, and to proceed to issue and deliver to said company the bonds of same, to the amounts subscribed for, on demand of the board of directors of the company, when the said board of directors shall have complied with the conditions of the proposition of subscription.

Question of such
subscription to be
submitted to people.

§ 18. And the said authorities having jurisdiction are hereby authorized and required to levy annually, and collect a tax upon the taxable property in their respective cities, towns, or counties, as listed and taxed under

Authorities to
levy tax to pay
bonds.

1873. the revenue laws of this State, a sum sufficient to pay the interest on said bonds as it accrues, together with the cost of collection. They are also authorized to make provision for paying said bonds at their maturity, and to establish a sinking fund for such purpose; and may loan out the money of same, and adopt such other means as may be proper and expedient; and may levy and collect taxes for this purpose. The person collecting such tax shall give tax receipts for the same; and any tax-payer paying taxes under the provision of this act shall be entitled to stock in said railroad company to the amount of taxes he may pay; and the cities, towns, counties, and districts shall be respectively divested of stock to the amount of stock issued on said tax receipts; and whenever such receipts, to the amount of one share or more shall be presented to the company, a certificate of stock shall be issued for each one hundred dollars of same, and only the tax-payer shall receive dividends on such stock issued for tax receipts; and the mayor and council, chairman and trustees, or county court, having jurisdiction respectively, may appoint collectors for such taxes, or may require the sheriffs or marshals of the respective cities, towns, or counties, within the jurisdiction of same, to collect the said tax, all of whom shall have the same powers and remedies, and shall proceed in the same way for the collection of said tax as the sheriffs in the collection of the State revenue; and the said authorities having jurisdiction shall require and take from the officer appointed to collect such taxes such bond and security as shall be deemed safe and proper; and such collectors shall settle and pay over the taxes at the same time that sheriffs are required to pay in the State revenue; and not more than three per cent. shall be allowed for collecting such taxes in any case. At all meetings of the stockholders, the said cities, towns, counties, and districts may, by proxies duly authorized by the authorities thereof, cast a vote for each share of stock so subscribed by said city, town, or county, and which may be owned by the same, at the time of such stockholders' meeting.

What officers to collect tax, and fees for collecting same.

§ 19. The said company may acquire any corporate franchises, rights, privileges, and interests in other States, and use the same as they may deem expedient, provided the same may be consistent with the laws of Kentucky.

§ 20. The bonds of a county, or district of county, issued for stock, shall be signed by the county judge, and countersigned by the county clerk, the coupons to be signed by the clerk only; those of cities shall be signed by the mayor, or president of the council thereof and countersigned by the city clerk, the coupons to be signed by the clerk only;

How bonds to be prepared.

and those of towns to be signed by the president or chairman of the board of trustees, and countersigned by the town clerk, the coupons to be signed by the clerk only. Any sheriff or collector, who shall collect taxes under this act, shall, with his sureties, be responsible for same, and for ten per cent. damages thereon for the non-payment of the same, as required by this act; and the same may be recovered from said sheriff or collector, and his sureties, or any of them, in any county having jurisdiction in this Commonwealth, upon motion, after ten days' notice of said motion; the sheriffs or collectors under this act shall have all the powers and remedies for enforcing the collection of taxes levied under its provisions, as are now conferred upon the sheriffs for collecting the revenues of the State under the laws of this Commonwealth.

1873.

§ 21. Any tax-payer holding any of the bonds [of] the city, town, or county of his residence, issued in the payment of a subscription to this company, the coupons there-to attached for that year's interest shall be received in payment at par value of his or her tax levied to pay said subscription for the same year, at the option of said tax-payer.

Tax-payer holding bonds may pay tax with coupons.

§ 22. The main office, the machine and workshops, and a majority of the executive committee of the board of directors, shall be located in such convenient place as may be agreed upon and designated by the board of directors, within twelve months after the election of the first board of directors, and on such terms as may be agreed upon with authorities of such place of location.

Principal office.

§ 23. This act shall take effect from and after its passage.

Approved April 21, 1873.

CHAPTER 979.

AN ACT to incorporate the Mountain Railroad, Mining, and Manufacturing Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Jno. W. Thompson, R. F. Vinson, John B. Hatcher, K. F. Pritchard, George Richardson, M. B. Goble, and John M. Rice, or any three of them, their associates, assigns, and successors, be, and they are hereby, created and constituted a body-politic and corporate, by the name and style of the Mountain Railroad, Mining, and Manufacturing Company; and by that name and style shall have perpetual succession; may sue and be sued, plead and be impleaded, contract and be contracted with, answer and defend, in all courts and places; and shall have

Corporators' names.

Name and style.

1873. and exercise all the powers usual and necessary to carry out the objects and purposes of said company.

Object, purpose,
and powers

§ 2. The purpose of said company is the establishment of iron, steel, and lumber works in the county of Lawrence; and for the establishment and successful operation of all of said works, the said company shall have power to acquire and hold such real estate, by lease, fee-simple, or otherwise, as it may deem necessary or expedient for its business; it shall have power to dig and mine for coal, iron ore, or other mineral deposits necessary in the business of said company; to take out, extract, smelt, refine, reduce, manufacture, and prepare for market, any or all of said mineral products or deposits; to construct and conduct manufactures of iron, steel, and wood; to transport or send to any market, either in a raw or manufactured state, the products of their business, and sell them in or out of the State; to buy, erect, or construct all mills, forges, furnaces, workshops, depots, and other buildings, and all machinery, fixtures, apparatus, and appurtenances deemed necessary and proper in carrying on its business; it shall have power to purchase, construct, and own wharves and landings on the Ohio river, or on the Big Sandy river, or their tributaries, for the purpose of operating its works, mines, or mills to the best advantage or interest of said company; it shall have power to locate, construct, and operate railroads, plank roads, gravel, or common roads, or any or either, to and from any of the works, mines, or mills of said company, to any railroad now existing, or that may be hereafter constructed, or to the Ohio river, or to the Big Sandy river, or to any of their tributaries in this State; and may build bridges over the streams which their roads, or any of them, may cross; and may acquire the land, timber, rock, or other material requisite for said roads and bridges, and the right of way and use of lands or quarries, either by agreement with the several proprietors, or by having the same condemned to the use of said company; and in the condemnation thereof for any road or railroad, and in the location, construction, and operation of said roads or railroads, with all requisite appendages, said company shall have the powers which are provided in chapter one hundred and three of the Revised Statutes, entitled "Turnpike and Plank Roads." When such roads, railroads, or bridges shall be used by other parties for travel or transportation, the said company may charge and collect such rates of toll as the board of directors may determine, not exceeding the rates permitted by law to be charged by other corporations specially chartered to furnish such facilities for travel or transportation.

§ 3. The capital stock of said company shall be one million of dollars, to be divided into shares of one hundred dollars each, which may be subscribed by individuals or corporations (municipal or private), which shall be personal property, and evidenced and transferred as may be prescribed by the by-laws of said company. Said company shall have the right to increase the capital stock to ten millions of dollars whenever a majority in interest of the stockholders shall deem it best to do so. The persons named in this act shall constitute the first board of directors; they, or a majority of them, shall have power to open books for subscriptions to the stock of said company, prescribe the terms of subscription, the time and manner of payment, and the time, manner, and grounds of forfeiture of stock subscribed but not paid for as required by the calls; and they may forfeit the stock of the defaulting stockholder, or may collect the installments by suit, as they may elect; they may adopt such by-laws for the regulation and government of said company as they deem expedient, not inconsistent with this act nor with the Constitution and laws of this State. When the sum of fifty thousand dollars shall be subscribed and five per cent. thereof actually paid in cash, the company shall be deemed fully organized, and may proceed with its business.

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Capital stock.

§ 4. The board of directors shall have the general management of all business of said company, and may exercise any and all the powers hereby granted to the corporation; they may increase the capital stock of the company, from time to time, as they may deem expedient, either by new subscriptions, sales, or otherwise, on the conditions and to the extent of the limit named in section three of this act; they may, from time to time, pay dividends in stock or in cash from the profits of their business, and distribute the net receipts and proceeds of sales among the stockholders pro rata, or may retain them to be applied in extending the operations of the company; they may borrow money upon the bonds or other evidences of debt of the company, in such sums, and payable at such times and places, and at such rates of interest, not exceeding ten per cent. per annum, as they may deem expedient; and may execute mortgages or deeds of trust upon any or all of the property and franchises of the company to secure the payment of such debts as may, from time to time, be created.

Directors to control affairs.

May borrow money & secure same by mortgage

§ 5. The principal office of said company shall be at Louisa, in Lawrence county, Kentucky, and branch offices, agencies, or depots may be established at other points, within or out of this State. The meetings of stockholders or directors may be called and held at the princi-

Principal office.

1873.

Board to appoint
officers and re-
quire bond.

pal office, or at any agency of the company. The board of directors shall have power to elect or appoint a secretary, a treasurer, and such other officers and agents as they may deem expedient, and may fix their salaries, prescribe their duties, and the time of employment; and may require and take from any of them bonds, with security, for the faithful discharge of their respective duties.

Regulations for
annual elections.

§ 6. Provision shall be made by the by-laws of the company for the annual election by the stockholders of a board of directors of not less than five nor more than nine members; and such elections shall be held annually, and after thirty days' previous notice by a publication in some daily newspaper in this State. Each share of stock shall entitle the holder to one vote at any meeting of the stockholders, and may be voted in person or by proxy. No person shall be eligible as a director unless he shall, when elected, own at least ten shares of stock fully paid up. The directors, when elected in each year, shall choose one of their number president as aforesaid, and they shall severally hold their offices until their successors are elected and qualified. The board of directors shall prescribe, by by-laws, the number necessary to constitute a quorum for the transaction of business by said board; and they may fill any vacancy that may occur in the board between the annual elections.

Directors and of-
ficers to take oath

§ 7. The board of directors and all officers of said company elected or appointed under this act, before entering on the duties of their respective offices, shall take an oath before some notary public or other officer authorized to administer oaths, that they will well and truly perform the duties of their trust.

§ 8. This act shall be in force from its passage.

Approved April 21, 1873.

CHAPTER 980.

AN ACT to incorporate the Rockcastle Railway Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators'
names and cor-
porate powers.

§ 1. That John Meek, John C. Henderson, John N. Lee, Samuel S. Vinson, M. B. Goble, or any five (5) of them who may act, are hereby appointed commissioners; and they, their associates and successors, are created a body-politic and corporate, for the purpose of constructing a railway, with a single or double track, beginning at the point between the Tug Fork and Levisa Fork of Big Sandy river, in Lawrence county, opposite or near the town of Louisa, at the confluence of said above-named rivers;

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and running from thence up said Levisa Fork to the mouth of Three Mile creek; thence up said creek to the head thereof, by way of Flat Gap, to the waters of Griffith's creek, and any point on said creek; thence to Rockcastle creek, in Martin, Lawrence, or Johnson counties.

§ 2. The name and style of the corporation hereby created shall be "The Rockcastle Railway Company." Said company, through its board of directors, may contract and be contracted with, sue and be sued, plead and be impleaded, answer and defend, in all courts and places, as a natural person; and may have and use a common seal, and may change the same at its pleasure.

Name and style.

Sue and be sued.

§ 3. The capital stock of said company shall be five hundred thousand dollars, divided into shares of one hundred dollars each; and individuals, railroad companies, and other corporations, either in or out of the State of Kentucky, may subscribe for and hold stock in said company. The said capital stock may at any time be increased, by a vote of the majority of the stockholders, to any sum necessary for the completion and equipment of said railway, not exceeding seven hundred thousand dollars.

Capital stock.

§ 4. The commissioners aforesaid, or such of them as shall act, shall have authority to open books and receive subscriptions for the stock of said company, said stock to be paid for in money, work, property, material, or in such kind and manner as may be agreed upon by the said commissioners and the subscribers.

Books to be opened for subscription of stock

§ 5. When bona fide subscriptions to the stock of said company shall have been made to the amount of two thousand dollars, the aforesaid commissioners shall give notice and assemble the stockholders; from among themselves shall elect seven (7) directors, one of whom, to be elected by the directors, shall be president of said company. A majority of the board of directors may make and adopt such rules and by-laws, for the regulation and management of the business of the company, as they may deem proper; which rules and by-laws shall contain nothing inconsistent with the Constitution and laws of this State or of the United States. Meetings of directors or of stockholders of said company may be held at such places within this State as they may designate, upon twenty days' notice being given to all such directors or stockholders residents of this State. An office and an agent shall be maintained in Lawrence county, upon whom service of process may be made. Actions against said company, other than those mentioned in sections ninety-three and ninety-four of the Code of Practice in civil cases, may be brought in any county in which any part of the said railway lies. When any action is rightly brought in any

When election for president and directors may be held.

May make by-laws, &c.

Meetings may be called.

1873. county, process shall be issued to the county in which the office of the company is situate.

Management of affairs vested in directors; their powers.

§ 6. After the organization of the company shall have been completed, according to the terms of section five of this act, the management and control of the affairs of the company shall be vested in the board of directors chosen as aforesaid; and their properly elected successors; and said board may continue to receive subscriptions to the stock of the company; they may acquire and hold such real and personal estate as may be necessary or convenient for the purposes of the company; they may sell or convey such property, and may do all and any things necessary, or which may become necessary, for the building, equipping, and operating of said railway; they may fix rates to be paid for the transportation of passengers and freights over said railway, or any part thereof, which rates shall not exceed those charged by other similar railways or railroads in this State.

May purchase other railways.

§ 7. The said company shall have power to purchase, acquire, and hold any line of railway, finished or unfinished, lying on or near its line, or crossing the same, or between its termini, with all the chartered privileges held or properly exercised by the company from whom such railway may be bought or acquired, and all the property, real or personal, right of way, etc., of such company; and may make payment, for any railway and other property so bought or acquired, on such terms and conditions as may be agreed between the parties; and the said company, in order to enable it to more effectually develop the mineral deposits in the vicinity of its line, is authorized to open and operate mines of coal and iron ore, and to build and operate furnaces and mills, and to construct and operate branch railways to any coal, iron, or other mineral or timber lands aforesaid; when any railway or other property, as before described, shall be acquired by said company, any bonds or mortgages of the vendors outstanding may be satisfied by the substitution of bonds issued by the said railway company, the vendees, for an equal amount, and secured in the same manner, and upon the same property, as were the original bonds; but the said company shall not be liable, by reason of any such purchase or acquisition, for any other debts of such vendors, unless such liability is specially, by said railway company, assumed and declared.

May open and operate mines.

Bonds, &c., of other road purchased may be satisfied.

May borrow money.

§ 8. The board of directors, or a majority of said board, are authorized, and shall have power, to borrow money, not to exceed in amount the capital stock of the company; and may issue the bonds of the company, bearing interest at a rate not exceeding eight per cent. per annum, which bonds shall be executed by the officers of the

company, and made payable at such times and places as said board may order; and they may pledge and mortgage the said railway, or any property belonging to said company, or any part thereof, to secure the payment of the money so borrowed; and they may convey the same in trust to such persons as they may designate, to be held in trust to secure the payment of such borrowed money and interest.

1873.

§ 9. The said railway company may obtain, by voluntary agreement with the owners of the same, the right of way for their railway and its branches; also lands for station and depot grounds, side-tracks, wharves, or landings, or for any other purpose necessary to the proper construction and maintenance of the said railway and branches; and if the right of way or any land, earth, stone, timber, or other materials or improvements which may be wanted for the construction or repair of said road, or any of their works, for the purchase in fee-simple, or the use and occupation of the same, cannot be procured by voluntary agreement with the owner or owners of the same, or if the owner or owners of any of them be a *feme covert*, under age, *non compos mentis*, or out of the county in which the property may lie, application may be made to any justice of the peace of said county, who shall thereupon issue his warrant, directed to the sheriff or any constable of said county, requiring him to summon twenty discreet men, not related to the owner, nor in any way interested, to meet on the land or near the property or materials to be valued, on a day named in said warrant, not less than ten nor more than twenty days after the issuing of the same; and if, at the time and place, any of the said jurors do not attend, said sheriff or constable shall forthwith summon as many jurors as may be necessary, with the jurors in attendance, and from them each party, if present, or if not present, by agent or otherwise, the sheriff or constable for the party absent, may strike off four jurors, and the remaining twelve shall act as the jury of inquest of damages. The sheriff or constable may adjourn the jury from day to day, and if they cannot agree upon a verdict, it shall be his duty to discharge them, and summon another, to meet as soon as convenient. Before the jury acts; the sheriff or constable shall administer to them an oath or affirmation that they will justly and impartially fix the damages which the owner or owners will sustain by the use and occupation of said property required by said company; and the jury, in estimating the damages, shall find the owner or owners the actual value of the land or other thing proposed to be taken. The jury shall reduce their verdict to writing, and sign the

May obtain right
of way, and lands
for depot, &c.

1873. same, and it shall be returned by the sheriff or constable to the clerk of the circuit court of his county, and such clerk shall receive and file it in his office, at its next regular term; such verdict shall be confirmed by the circuit court, if no sufficient reason is shown by either party for setting it aside; and when so confirmed it shall be recorded by the clerk, at the expense of said company; but if set aside, the court shall direct another inquisition to be held by the sheriff of the county in the manner above prescribed: *Provided*, That the company may proceed to construct their said road as soon as the first verdict of the jury shall be returned, whether the same be set aside and a new jury ordered or not; and every inquisition shall describe the property, or the bounds of the land condemned, and the duration of interest in the same valued for the company. If the person or persons in possession of the land shall hold an estate for life or years therein, it shall be the duty of the jury to find the aggregate amount of damages found by them to be due between the owner of the estate for years or life, and the person or persons holding the remainder or reversion thereof. If the person in possession of the land, or the owner thereof, upon a tender being made to him of the amount of damages fixed by the jury upon the land, or by the circuit court, in case an appeal is taken, shall refuse to receive the same, it shall be lawful for the company to deposit the same with the sheriff of the county in which the inquisition is had: *Provided*, The said sheriff shall previously execute bond, with security, in the county court of the said county, to pay it to such person or persons entitled thereto, whenever they may demand the same. If the person in possession of the land be not the owner of it, before he shall be entitled to receive the damages assessed by the jury, he shall execute bond, with good security, to the said company, that he will faithfully pay over to the owner of the land the money so received by him; and in case he fails or refuses, upon demand of the company, to execute the bond, it shall be lawful for the company, or its agents, to deposit the money with the sheriff in the same manner as hereinbefore provided, upon the execution of a similar bond by him. If the land be vacant, or the owner lives out of the county or State, or be unknown, upon the rendition of the verdict of the jury, a deposit of the amount fixed thereby with the sheriff of the county shall authorize an entry by the company upon the land, provided the sheriff first execute bond as hereinbefore provided. Where it is ascertained that the person in possession holds an estate for years or for life, and the remainder or reversion is in another or others, a pay-

ment to him of the aggregate amount fixed by the jury shall be sufficient, and the company shall have the right to demand from him a bond, with security, that he will pay to the remainderman or reversioner the amount adjudged to him by the circuit court; and if he refuse to execute said bond, the company may deposit the amount with the sheriff, who shall execute bond as above directed, and then the company may enter and take possession of the land: *Provided*, That land condemned for road-way shall not be more than one hundred feet wide.

1873.

§ 10. The said company is authorized to build, own, and operate, in whole or in part, a line of telegraph over or along its lines of railway and branches.

May build telegraph.

§ 11. The said company may receive and hold any donations or grants of land, money, or bonds made to it by an individual, or association of individuals.

Receive donations.

§ 12. The county courts of the several counties through which or near to which the line of the said railway or any of its branches may pass, are hereby authorized to subscribe to the stock of the said railway company, under the following restrictions and in the manner hereby prescribed, viz:

County courts may take stock.

1st. The aggregate amount subscribed to the stock of said company, by the said county courts, shall in no case exceed five (5) per centum of the aggregate value of the taxable property of the county; as shown by the assessor's tax lists for the fiscal year within which said subscription shall be made; and the amount to be paid in any one year shall not exceed two and one half ($2\frac{1}{2}$) per cent. of the value aforesaid.

Proceedings in relation thereto.

2d. When the presiding judge of the county court of any county, as aforesaid, shall receive written application in the manner hereinafter specified, from the president or other executive officer of said company, asking for the issue of an order by said judge for a special election to be had by the legal voters of such county, to determine whether they will make a subscription to the stock of said railway company, the said presiding judge may, within five (5) days of the receipt by him of such application, issue an order for such election to be held at the several voting places of the county, within thirty (30) days from the date of such order; and to the end that a full and fair expression of the popular will upon the question may be obtained, the proposition made by said railway company shall be fully recited in said order.

3d. The application of the president, or other executive officer of said railway company, shall state, first, the date of the resolution of the board of directors of said railway company ordering such application to be made; second, the amount of subscription solicited from the county, and

1873. the proportion thereof to be paid per annum ; also in what form and under what conditions the subscription is to be made.

4th. That the person acting as sheriff at the several precincts shall return to the clerk of the county court, within three (3) days after the day of such election, the poll-books of their respective precincts, and the vote at such elections shall be compared, counted, and certified, in the manner prescribed for elections of representatives to the General Assembly.

5th. If the majority of the legal and qualified votes of said county shall be in favor of said subscription, it shall be the duty of the presiding judge of the county court of the county in which such election is held to make the subscription in behalf of the county ; and the county court of such county shall make or lay a levy upon the real and personal estate of such county, as listed for taxation for State purposes, an amount of money sufficient to pay the subscription ; the said taxes shall be levied and collected as State taxes are collected, and by the proper collecting officers of such county, for a like compensation ; the said collecting officers shall execute bond, payable to the Commonwealth, in sufficient penalties, and with good securities, to be approved by the county court, conditioned for the faithful collecting and paying over the amounts collected, and for the proper performance of all their duties under this act.

6th. As collections are made they shall be paid over to the said railway company, according to the conditions expressed in said company's written application aforesaid ; and the collecting officer aforesaid shall take the receipt of the said railway company for all such moneys so paid over ; such receipt shall be taken in duplicate, and one shall be filed with the county court, and one retained by said collecting officer. Each tax-payer shall receive from the collecting officer a certificate of the amount of tax paid by him at the time of payment ; and all such certificates shall be transferable by indorsement ; and any such certificates or certificate, amounting to fifty dollars (\$50), or even shares of stock, shall entitle the holder to stock to a like amount of the said railway company.

7th. The said presiding judge shall receive from said railway company an obligation that said company will issue to said tax-payers, upon surrender of the tax certificates aforesaid, in sums of fifty dollars, or even shares of stock, stock to a like amount ; and it shall be the duty of the collecting officer aforesaid to procure such stock for tax-payers who shall leave their own or assigned certificates with him for that purpose, in the aforesaid sums of

fifty dollars, or even shares of stock ; and the said presiding judge shall indorse, on the railway company's receipts and obligations, the amounts of stock so issued by the railway company, upon reports made to him by said collecting officers, of the amounts so issued.

1873.

§ 13. The said Rockcastle Railway Company shall be exempt from all State taxation until five miles of their railway shall be completed ; and shall never be taxed for such railway at a rate exceeding that laid on other railways, nor for an amount exceeding its actual value.

Exempt from taxation until the road is completed

§ 14. The said company may, the holders of a majority in interest of all the stock therein concurring, consolidate with any other railway or railroad company within the State of Kentucky, upon such terms as may be mutually adopted ; but no such consolidation shall affect the holders of mortgage bonds issued by said Rockcastle Railway Company.

May consolidate with other roads.

§ 15. The General Assembly reserves the power, by general laws, to fix and regulate the rates of charges for transportation of freight and passengers upon said road.

General Assembly may fix rates of charges.

§ 16. This act shall take effect from its passage.

Approved April 21, 1873.

CHAPTER 981.

AN ACT for the benefit of the school trustees of Powell county for the school year ending 30th June, 1872.

WHEREAS, W. Frank Crawford, common school commissioner of Powell county for the school year ending June 30th, 1872, drew from the Treasury the amount of money due said county on account of common schools for said year, and fled to parts unknown, and failed and still fails to pay the same over to the persons entitled thereto ; and the sureties of said Crawford, after paying out all they had, have been unable to satisfy the defalcation of said Crawford ; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That upon presentation to the Auditor of Public Accounts of the certificate of the Superintendent of Public Instruction as to the amount of surplus fund standing due to Powell county, the Auditor shall issue his warrant on the Treasury, payable to the common school commissioner of Powell county (by name), for whatever sum of surplus fund so certified to him by the Superintendent of Public Instruction, which shall be paid by the Treasurer out of said surplus fund and no other money.

1873. § 2. When said commissioner shall receive said amounts he shall apportion the same among the trustees of common schools of Powell county for the school year ending 30th June, 1872, and pay the same over to such trustees as they are severally entitled thereto according to said apportionment.

§ 3. This act shall take effect from its passage.

Approved April 21, 1873.

CHAPTER 982.

AN ACT to legalize a certain survey made in the name of D. P. Mosley and J. H. Amyx, in Morgan county.

WHEREAS, On the 24th day of July, one thousand eight hundred and thirty-seven, Daniel P. Mosley and Joseph H. Amyx surveyed four hundred and eighty acres of land in the county of Morgan, and some doubts exist as to the legality of said survey; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That from the passage of this act the said survey made by said Mosley and Amyx on the 24th November, 1837, of four hundred and eighty acres, be, and the same is hereby, made as legal and valid in said Mosley and Amyx, and their vendee or vendees, as if it had been made strictly in conformity to the laws in force at the time said survey was made.

§ 2. This act shall take effect from and after its passage.

Approved April 21, 1873.

CHAPTER 983.

AN ACT to legalize a certain survey made in the name of William Day, in Morgan county.

WHEREAS, On the 18th day of November, one thousand eight hundred and forty-six, William Day surveyed eight hundred acres of land in Morgan county, and some doubt exists as to the legality of said survey; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the survey of eight hundred acres of land made by William Day, in Morgan county, on the eighteenth day of November, one thousand eight hundred and forty-six, be, and the same is hereby, made as legal and valid in said Day and his vendees as if the same had been made in every respect according to the law in force at the time said survey was made.

§ 2. Said survey shall only be legalized by this act from and after its passage.

1873.

§ 3. This act shall take effect from its passage.

Approved April 21, 1873.

CHAPTER 984.

AN ACT for the benefit of W. S. Allen, late sheriff of Breathitt county, and his securities.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That W. S. Allen, late sheriff of Breathitt county, and his sureties, be, and they are hereby, released from payment of the twenty per cent. damages on a judgment rendered against them on the revenue due from Breathitt county for the year 1871, the principal, interest, and cost having been settled in full; and the Auditor of Public Accounts is hereby directed to credit the account of said Allen and his sureties by the amount of damages assessed against them on the revenue of 1871.

§ 2. This act to take effect from its passage.

Approved April 21, 1873.

CHAPTER 985.

AN ACT for the benefit of T. J. Phillips, jailer of Hardin county.

WHEREAS, T. J. Phillips, jailer of Hardin county, has been compelled to furnish diet and lodging to three pauper lunatics, during the year 1872, making in all three hundred and fifty-eight days; and whereas, the Auditor refused to pay the account presented by said jailer for the reason that part of the account was created before the passage of the general law authorizing pay at the rate of two hundred dollars per year, and for the further reason that no formal inquest was held over two of said pauper lunatics (Green Merrell and Henry Sharp); and whereas, it seems that said two paupers were so wild and ungovernable it was deemed impracticable to hold an inquest, and it appears that the said lunatics were committed by order of the county court of Hardin county; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is, directed to draw his warrant upon the Treasurer in favor of said T. J. Phillips for the sum of one hundred and

1873. ninety-six dollars and thirty-seven cents, payable out of any money in the Treasury not otherwise appropriated.

§ 2. This act to take effect and be in force from and after its passage.

Approved April 21, 1873.

CHAPTER 986.

AN ACT for the benefit of school district No. 17, in Garrard county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Trustees may
levy tax to build
school-house.

§ 1. That the trustees of common school district No. 17, in Garrard county, be, and they are hereby, authorized and empowered to levy a tax on all taxable property in said district listed by white persons for taxation, not to exceed fifty cents on the one hundred dollars for any one year, until a sufficient amount is collected to build such a school-house as the trustees may determine, not to exceed seven hundred dollars.

No property ex-
empted from dis-
traint.

§ 2. All property listed in said district for State revenue, and subject to taxation, according to the provisions of the first section of this act, shall be subject to all distraints; and no property subject to taxation under this act shall be exempt from distraint or sale for the tax thereon.

Sheriff to collect
tax, and his fees.

§ 3. Said tax shall be collected by the sheriff of the county as the revenue of the State is now collected, and paid over to said trustees within ninety days after receiving list, less his commission, which shall not exceed the amount he is now allowed for the collection of the revenue.

Trustees to exe-
cute bond.

§ 4. The trustees aforesaid of school district shall execute bond, with good security, in the county court, for the faithful performance of the duties enjoined upon them in this act.

§ 5. This act shall take effect from its passage.

Approved April 21, 1873.

CHAPTER 987.

AN ACT to amend an act "to authorize the voters of the town of Clinton to vote upon the proposition as to whether ardent spirits shall be sold within the corporate limits of said town, and to prohibit the sale of same."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Question of li-
cense to be sub-
mitted to people.

§ 1. That the trustees of the town of Clinton, Kentucky, shall have the power to order a vote to be taken of the

qualified voters of said town, at any time they may deem proper, upon the proposition as to whether there shall or not be any ardent spirits sold within the corporate limits of said town as a beverage, as provided for in section one of the act to which this is an amendment; and that said vote shall be legal, whether taken as provided in said act or at any other time fixed upon by said board of trustees.

1873.

§ 2. That the said trustees so ordering said vote to be taken, shall appoint the time and place when and where said vote shall be taken within the corporate limits of said town of Clinton, and shall appoint two fit and proper judges to take said vote, a clerk, and sheriff; all of whom shall be sworn to faithfully perform their duty under this and the act to which this is an amendment. Said judges shall decide who are legal voters, order their votes to be recorded, and preserve order while said vote is being taken. The clerk shall record the votes so given for or against said proposition, and the sheriff shall preserve order while said vote is being taken; and when said vote is taken, the poll-book shall be, by the said judges and clerk, certified to the board of trustees of said town; and the same shall be filed with the records of said town, and an entry made upon the record-book of said board of trustees of said town of the result of said vote, and notice thereof in writing posted at three public places in said town: *Provided*, Said vote shall be against the sale of said liquors.

Duties of officers
of election.

§ 3. That any one, after thirty days from the time of posting up said notices, who shall violate the provisions of the act to which this is an amendment, by the sale of ardent spirits, vinous or malt liquors, as a beverage, shall be fined and punished as provided for in said act.

Penalty for vio-
lation of law.

§ 4. That should said proposition fail at the first vote thereon to exclude the sale of such liquors, the said trustees may, at any other time, resubmit said proposition as herein provided, and as often as they may deem proper.

Should proposi-
tion fail, it may
be resubmitted.

§ 5. That this act shall take effect from its passage.

Approved April 21, 1873.

CHAPTER 988.

AN ACT allowing the creation of public warehouses in Carroll county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act, entitled "An act for the incorporation of Voluntary Associations," approved March 9th, 1854, be so amended as to allow and authorize the crea-

Erection of ware-
houses with wharf
privileges allowed

1873. tion in Carroll county of associations under, and in pursuance with, the provisions of said act, for the purpose of erecting and using public warehouses, with wharf privileges, on either of the navigable rivers of said county.

County court to fix rate of charges for storage.

§ 2. That the county court of said county, upon the application of the president of any association which may be formed under this act, shall fix the rate of charges for storage or shipment, or both, of tobacco, and all other articles and things that may be stored or shipped in, to, or from the warehouse or wharf of such association: *Provided, however,* That no charges shall be made and collected by such association until said application shall be made in said county court.

Penalty for overcharging.

§ 3. That if any association that may be formed under this act shall charge and collect a greater rate than that fixed by the county court, said association shall forfeit and pay to the person by whom such excess has been paid double the amount charged, the payment of which may be enforced in any court in said county having jurisdiction of the same.

§ 4. That when an association has been created under this act, no other association shall be created for the same purposes within a half mile of the location of the warehouse and wharf of the first association formed, except in towns and cities of a greater population than one thousand.

§ 5. That this act shall go into force from its passage.

Approved April 21, 1873.

CHAPTER 989.

AN ACT to amend an act to prohibit the sale of intoxicating liquors in the county of Bullitt, approved March 21st, 1871.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Person furnishing liquors on physician's prescription to keep record.

§ 1. That all persons furnishing liquors, under the act to which this is an amendment, for medical purposes, upon the written prescription of a practicing physician, shall record in a book, to be kept for that purpose, a full and complete copy of said prescription, with the date thereof; and said vendor shall report, under oath, on the first day of each term of the circuit court for said county, to the trustee of the jury fund for said county, a full and complete copy of said prescriptions, who shall lay the same before the grand jury; and any person who may have put up such prescriptions, and shall fail to make such report, shall be deemed guilty of keeping a tippling-house. It shall be no defense to a prosecution under this act that said liquor was sold under the written prescrip-

Penalty for neglect.

tion of a practising physician, unless said defense is supported by the original prescription or prescriptions.

1873.

§ 2. Any person who shall attempt to evade the provisions of this act by falsely representing himself as a practicing physician of said county, or any person who shall make any false prescription for the purpose of evading, or with the intent to evade, the provisions of this act, or the act to which this is an amendment, or to procure liquors under false pretenses, shall, for each offense, be subject to a fine of not less than fifty dollars nor more than one hundred dollars, to be recovered before any court of competent jurisdiction, collected as other fines, and paid over to the commissioner of the jury fund for said county, and shall constitute a part of said fund.

Penalty for attempt at evading act.

§ 3. This act to take effect from and after its passage.

Approved April 21, 1873.

CHAPTER 990.

AN ACT for the benefit of school district No. 7, in Marion county.

WHEREAS, The school-house in district No. 7, in Marion county, was burned down in December last; and whereas, after the payment of the forty per cent. there is due to said school district, or the trustees thereof, to pay the teacher for the three and half months taught in said district prior to the burning of the same, the sum of one hundred and six dollars and ninety-two cents, which is now due said district; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Superintendent of Public Instruction be directed to draw his warrant upon the Auditor in favor of the school commissioner of Marion county, to pay to said commissioner the sum of one hundred and six dollars and ninety cents, the amount of money now due the trustees of said district No. 7, in Marion county; and that it shall be the duty of said commissioner to pay the sum aforesaid to the trustees of said district as now provided by law, and under the same responsibilities as now provided by law.

§ 2. That this act shall be in force from and after its passage.

Approved April 21, 1873.

1873.

CHAPTER 991.

AN ACT in relation to inquests of lunacy in Jefferson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in all proceedings under a writ *de lunatico inquirendo* in the county of Jefferson, or city of Louisville, the city court of Louisville shall have concurrent jurisdiction with the circuit and county courts of said county.

§ 2. This act to take effect from and after its passage.

Approved April 21, 1873.

CHAPTER 992.

AN ACT to amend an act to incorporate the Massie's Mill Turnpike Road Company, approved March 7, 1868.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act to incorporate the Massie's Mill Turnpike Road Company, approved March 7, 1868, be so amended as to authorize said company to continue its road to a point on the Harrod's Creek Turnpike Road, near W. S. Buckner's dwelling-house; and from thence to a point on the Paris and Flat Rock Turnpike, near the Cane Ridge Church, or to build such part of said line as it may think advisable; and that said company is hereby authorized to make such increase of its capital stock as may be necessary to make said extensions to its road.

§ 2. This act shall take effect from its passage.

Approved April 21, 1873.

CHAPTER 993.

AN ACT to amend an act to incorporate the Commonwealth Printing Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act incorporating the Commonwealth Printing Company be, and it is hereby, so amended that the corporation shall be co-operative, according to the statutes of Kentucky.

§ 2. This act shall take effect from and after its passage.

Approved April 21, 1873.

CHAPTER 994.

1873.

AN ACT for the benefit of common school district No. 34, in Bracken county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Superintendent of Public Instruction is hereby authorized to certify the amount of the sixty per centum due district No. 34, in Bracken county, for the year ending June the 30th, 1873, to the Auditor, who shall draw his warrant on the Treasurer in favor of the commissioner in payment of the same, who shall collect and pay the same, together with the forty per centum now in the hands of said commissioner, in aid of the common school in said district: *Provided*, That the further time until June the 30th, 1874, be allowed said commissioner to report said school to the Superintendent of Public Instruction.

§ 2. That this act shall take effect from its passage.

Approved April 21, 1873.

CHAPTER 995.

AN ACT to repeal an act to amend the charter of the Winchester and Red River Turnpike Road Company, approved March 20, 1872.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act to amend the charter of the Winchester and Red River Turnpike Road Company, approved March 20, 1872, be, and the same is hereby, repealed.

§ 2. That this act shall be in force from its passage.

Approved April 21, 1873.

CHAPTER 996.

AN ACT to incorporate the Louisville Locomotive and Car Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That E. D. Standiford, John M. Monohan, Dr. Jno. Bull, Lyttleton Cooke, W. B. Hamilton, Victor Newcomb, Thatcher Perkins, James Bridgford, John Caperton, C. Henry Fink, Joshua Speed, George Ainslie, Dr. Lawrence Smith, W. C. Hite, R. A. Roberson, Reuben Wells, Horace Scott, G. P. Doern, W. N. Haldeman, W. R. Ray, J. W. Finnell, G. Buchanan, J. L. Deppen, N. Bloom, F. L. Jefferson, A. V. Dupont, James Gilbert, George Skinner, and such other persons, and any corporations which may

Corporators' names.

1873. become stockholders in the corporation intended to be created by this act, be, and they are hereby, created a body-politic and corporate, under the name and style of the Louisville Locomotive and Car Company; and by that name may have perpetual succession; may contract and be contracted with, sue and be sued, plead and be impleaded, answer and defend, in all courts and places as a natural person; said corporation may also have and use a common seal, and alter and change the same at will; and said corporation shall have all other lawful powers usual and incident to corporations, and which may be requisite, necessary, or desirable for carrying out the purposes for which it is created and established.

Name and style
Corporate powers.

Duties and powers of corporations

Meeting to be held and officers elected.

Regulations for annual elections, &c.

§ 2. The persons named in the first section of this act, or such of them as may subscribe to the capital stock of the company therein mentioned and created, are hereby authorized and empowered to open books for subscriptions to the capital stock of said company, at such times and places, and subject to such terms and conditions, as they may deem proper. The capital stock of said company shall be divided into shares of one hundred dollars each, and may be subscribed for, and owned, and held, by individuals and corporations alike; and when as many as one thousand shares of the capital stock of said company have been subscribed in good faith, the persons named in the first section of this act, who have subscribed for stock, and opened the subscription books, shall call a meeting of all the subscribers to the capital stock of said company at some suitable time and place, and shall lay the subscription books before the subscribers there present; and thereupon, said subscribers shall organize by electing a president and secretary, and proceed to elect by ballot seven directors to manage the property, business, and affairs of the company; and these seven directors, or a majority of them, shall have power to elect a president of said company, either from among the directors or the other stockholders; and on such election, and on all other occasions, when a vote of the stockholders of said company is to be taken, each stockholder shall be entitled to one vote for each share of stock owned by such voter, and may cast the same in person or by proxy.

§ 3. That in order to continue the succession of the directors and president of said company, the board of directors shall provide in the by-laws for annual election of directors by the stockholders, and shall give due and reasonable notice of the time and place thereof; they may also provide, in the by-laws, the mode of electing or appointing, and may elect or appoint such officers, agents, and employees as they may deem proper and necessary for carrying on and managing and conducting the busi-

ness and affairs of said company, and dismiss or discharge them at will; they may prescribe the qualifications, powers, and duties of any or all of its officers, agents, and employees, and may require of any or all of them bonds, in such penalties as they may deem proper, to secure the faithful and honest performance of their respective duties; and upon any bonds thus taken recovery may be had for breaches of the conditions thereof.

1873.

§ 4. Said company is hereby authorized and empowered to engage in the construction, building, and repairing of all kinds and descriptions of locomotive engines, cars, and other railway supplies, equipments, and appurtenances, and in the buying and selling of the same; and also in the manufacturing of railroad iron, or any part thereof; and to that end said company is hereby authorized to purchase, lease, or otherwise acquire and own, hold, occupy, enjoy and control, all such real and personal property, goods, chattels, and other things, as may be requisite and necessary, or convenient and desirable, for the successful carrying on of its operations and business, and may grant, bargain, sell and convey, or otherwise dispose of the same, as a natural person

Object and business.

§ 5. The capital stock of said company may consist of such a number of shares, from one thousand to ten thousand, as the majority in interest of the stockholders may, from time to time, deem expedient; and they may, at any regular annual meeting, or any called meeting, by order or resolution, direct the president and directors to open books, and receive subscriptions to any unsubscribed portion of the capital stock of said company, in such amounts as they may deem expedient, until the whole amount authorized to be issued is subscribed.

Capital stock.

§ 6. The president and directors of said company, by and with the consent of a majority in the interest of the stockholders, may issue and sell the bonds of said company to an amount equal to the subscribed and paid up capital stock of the company. Said bonds to be signed by the president, and countersigned by the secretary, and to be made payable, as said stockholders may direct, within thirty years from their date.

Board may issue bonds.

§ 7. To secure the payment of the interest and principal of bonds issued by authority of this act, said company may execute a mortgage or deed of trust, conveying all the property, rights, franchises, income, debts, choses in action, and other things, of every sort and description, which said company may own, or be in any way entitled, to a trustee or trustees, for the use of and to secure the holders of such bonds, with such covenants and stipulations as may be necessary to effect the purpose and object of its execution.

To secure bonds may execute a mortgage.

1873.

How foreclosure
of mortgage to
operate.

§ 8. That if the mortgage or deed of trust, authorized by the last preceding section, shall be foreclosed by legal proceedings, such foreclosure shall be for the benefit of all the holders of bonds secured by its provisions. Upon such foreclosure the president shall make a correct list of all bonds, secured by such mortgage or deed of trust, which have been sold, and verify it by his affidavit, which affidavit and list shall be filed in the Louisville chancery court, where only such proceedings is authorized to be had.

Sinking fund to
be created to pay
bonds.

§ 9. That to create and secure a fund for the final redemption of mortgage bonds, issued under authority of this act, a sinking fund shall be created by said company, and in order to create such sinking fund said company shall, at the time of declaring the first cash dividend, ascertain what sum ought to be set aside annually, in order to create a fund sufficient to redeem its bonds at maturity, and then set apart and pass into the sinking fund that sum; and thereafter, annually, there shall be set aside and pass into said fund a like sum, until a fund is created sufficient to pay the outstanding bonds of the company, which fund shall be held sacred for the redemption of said bonds, and shall be used for no other purpose. That the company may loan and reloan the sums thus set apart, at any rate of interest not greater than that paid on its bonds, or may invest the same in any safe and profitable manner deemed advisable, which is not inconsistent with the purposes and objects of creating said fund: *Provided*, That said company may use any or all of said fund in retiring its bonds before maturity, if deemed advisable; but no bond purchased with the proceeds of the sinking fund shall be resold, but the same shall be canceled.

§ 10. The said company shall have the right, by and with the consent of the general council of the city of Louisville, to connect its manufacturing establishment with any and all railroads within the limits of said city, by laying down a track or tracks through the public ways of said city, and operate the same with steam locomotive power, or in any other mode agreed on with said general council.

§ 11. This act shall take effect from and after its passage.

Approved April 21, 1873.

CHAPTER 997.

1873.

AN ACT for the organization of the public schools in the town of Clayville, in Webster county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the common school districts Nos. 17, 45, and 46, as now laid off and organized in Webster county, be, and are hereby, consolidated; and the district thus formed shall be called the Clayville district: *Provided*, That the same shall be ratified by a majority of the votes cast in said election by the qualified voters of the three districts, on the fourth day of April, 1873; and W. A. Price, W. A. Skinner, E. Price, Jeff. Holeman, John Watson, and James F. Wallace, are hereby constituted a board to hold said election, to be taken in Clayville, Webster county.

Districts to be consolidated after submission of the question to people.

§ 2. That the public schools of said district shall be under the control and management of a board of education consisting of five members, who shall be elected on the first Saturday in April, 1873, to hold their office until the first Saturday in July, 1874, and until their successors are duly elected and qualified; and their successors in office shall be elected annually on the first Saturday in July in each year thereafter, commencing with the first Saturday in July, 1874.

Affairs to be under control of the board of education.

§ 3. All persons residing in said district, and entitled to vote under the public school laws of the State for trustees of the common schools, shall be entitled to vote in the election of said board of education.

Qualifications of voters.

§ 4. The persons so elected shall constitute and be styled the Board of Trustees of the Clayville Public Schools, and by that name shall be known as a body-politic and corporate, and may sue and be sued, contracted with, may buy and hold real and personal estate, and the title to all school property in said district shall vest in said board and their successors forever.

Name and style.

§ 5. The said trustees so elected shall take an oath faithfully to perform their duties as such, and shall, within one month after their election, meet and organize by the election of a chairman, clerk, and treasurer.

Trustees to take oath and elect officers.

§ 6. The control and management of the public schools of Clayville, and the property and fund belonging thereto, and which may accrue in any way to them, or for their establishment, management, or maintenance, under this act or otherwise, shall be vested in said board of trustees and their successors in office.

Trustees to control affairs.

§ 7. The said board of trustees shall have power to make all by-laws and rules for the government of themselves and appointees, for the dispatch of business, and for the management, control, and government of the schools.

May make by laws.

1873.

Board to keep record.

§ 8. A majority of the members of the board shall constitute a quorum for the transaction of business, and they shall cause to be kept a regular and correct journal of their proceedings, in a well-bound book, which shall at all times be open for the inspection of any citizen of said district.

Board to appoint teachers, officers, &c.

§ 9. The board of trustees shall appoint all teachers and other persons necessary to successfully carry on said schools, and prescribe all rules for their government, and fix their compensation or salaries; and may dismiss or suspend any teacher or other person appointed by them; prescribe the branches of education to be taught in the schools, grade the schools and classes, and prescribe the necessary qualifications for, and the mode of pupils or person applying for admission to the schools.

Qualifications of scholars.

§ 10. All white children, bona fide residents, over six and under twenty years old, shall have equal rights to said school, and no fees or charges for their tuition shall ever be made for any branches studied or required to be taught in the common schools of Kentucky; and it is expressly provided that only white children be admitted to said schools.

No religious tenets to be taught

§ 11. No catechism or other form of religious belief shall be taught or inculcated, nor shall any class-book be used for said schools which reflects on any religious denominations of Christians, nor shall any class or school be so conducted as to interfere with the religious belief of parents or pupils.

Treasurer to give bond.

§ 12. The treasurer, before entering on his duties, shall execute bond to the board of trustees, with good and ample surety, to be approved by said board, conditioned for the faithful performance of his duties. The clerk shall attend all meetings of the board, keep their records and papers, and perform such other duties as may be prescribed or required by the board of trustees.

Duties of clerk.

Board to make report.

§ 13. The board of trustees shall, at the end of each scholastic year, and before their term of office expires, make out a report in writing, showing the amount of money received and expended by them, from what source or sources received, and how and for what expended, the number of pupils in the schools, and the condition and amount of funds and property belonging thereto, and such other information as the cause of education requires.

Trustees may levy tax for school purposes.

§ 14. The said board of trustees shall have power to levy a tax not exceeding fifty cents on each one hundred dollars of taxable property in said district, except such as is owned by colored persons, subject to taxation for revenue purposes for any one year, and a poll-tax, not exceeding two dollars on each white tithe in said district, for the purpose of purchasing a lot and buildings necessary for erecting buildings for said school, or to lease or

1873.

purchase any property suitable for said purpose, and to keep the same in repair, and for furnishing the same with all things necessary for the schools, and to pay the teachers and other persons employed by them: *Provided, however,* That this section shall not go into effect, and the said board have no power to levy and collect the tax provided for therein, until they shall have submitted to the qualified voters of said district, and a majority of the legal votes so cast shall be in favor of adopting said sections and conferring such powers upon them: *And provided further,* That after it has been once submitted as above to the voters of said district, the said board of trustees may, at their discretion, again submit the question to the legal voters of said district to be voted upon; and if a majority of the votes so cast at one time shall be for said section, then the same shall go into effect, and shall be valid and binding when once so adopted by the legal votes of said district cast at any election, and shall continue in force until the same is repealed, modified, or annulled by the Legislature. The said board of trustees shall give at least ten days' notice, by written notices posted in public places in said district, or published in any newspaper published in said district, of the time and place of holding said election and taking said vote; and they shall appoint some suitable person judge and another as clerk of said election, who shall be sworn to faithfully perform their duties as such, and who shall hold said election and receive and certify the vote to the said board of trustees, and the same shall be recorded by them.

Question may be submitted to people.

§ 15. All property held by said board of education for said school shall be exempt from taxation, levy, or distress, and shall not be diverted from school purposes.

Property to be exempt from taxation.

§ 16. The trustees may appoint a collector, whose duty it shall be to collect the tax levied in said district for school purposes, and pay the same to the treasurer. Before entering upon the discharge of his duties he shall give bond, with sureties to said board, for the faithful performance of his duties as collector. He shall receive as compensation for his labor such amount as may be agreed upon by the trustees, not exceeding five per centum of the amount collected.

Collector to be appointed; his powers and duties, & to execute bond.

§ 17. The said board of trustees shall in the month of July, 1873, and in the same month in each succeeding year, cause to be made out, by some one appointed by them for that purpose, a true and correct list of all the white owners of property in said district, and of the amount and value of property owned by each subject to taxation for revenue purposes, and of all the white tithes therein, which shall be revised by them and certified and

Tax list to be made out & placed in hands of collector.

1873.

Collector shall
collect same.

placed in the hands of the collector, on or before the first day of August each year; and said collector shall proceed at once to collect the tax levied thereon under this act, and pay the same to the treasurer on or before the first day of the succeeding November.

How money to
be drawn from
Treasury.

Property to be
subject to dis-
traint for taxes.

§ 18. No money shall be drawn from the treasury except upon the order of the chairman, attested by the clerk, in pursuance of allowance made by the board of trustees.

§ 19. All property subject to taxation under this act shall be subject to distraint and sale for the taxes thereon.

§ 20. The board of trustees may admit into said schools white children, who are not residents of the district, or who are not of pupil age, upon such terms and conditions, and upon payment of such charges, as to the said board may seem right.

State school fund
to be paid treas-
urer of board.

§ 21. The common school laws of the State, so far as they are not inconsistent with this act, shall be and remain in force in said district, and the said trustees shall be subject to its provisions, and shall be entitled to receive the public school fund due the same from the State, which shall be paid by the commissioner of Webster county to the treasurer of said board.

May issue bonds
to build school-
houses, &c.

§ 22. In order to raise money to purchase suitable buildings, or suitable grounds, and erect thereon necessary buildings for school purposes, and furnishing the same as provided herein, the said board of trustees are hereby authorized and empowered, at any time, to issue the bonds of said district to such amount as may be necessary for said purposes; but such amount shall not exceed ten thousand dollars. The said bonds may be of any denomination, not exceeding five hundred dollars each, running not longer than twenty years, and bearing interest at any rate not exceeding ten per cent. per annum, payable annually or semi-annually, at the option of said trustees. The said bonds shall be made payable to bearer, shall be signed by the chairman of said board of trustees, attested by the clerk thereof, and shall pass by delivery; and shall be sold or discounted by the said board of trustees, or such person or persons as they may authorize, for the best price they can get, or paid out for any buildings or grounds, or any indebtedness created by the purchase thereof; and the trustees shall so levy the tax authorized by this act, and so appropriate the same as to pay the interest on said bonds as it accrues, and the principal when it becomes due: *Provided, however,* That they shall issue no bonds under this section until they have been authorized by a vote of said district to levy and collect the tax provided for in section fourteen of this act.

Trustees to levy
tax to pay bonds.

May condemn
private property
for school pur-
poses.

§ 23. The board of trustees shall have the right to condemn any private property for school purposes, whenever,

in their opinion, it shall be necessary, by first paying therefor in money its cash value, if such value can be fixed by agreement; if such value cannot be agreed, then, upon application of the board of trustees, the county court of Webster county shall issue a writ of *ad quod damnum*, directed to the sheriff, to be executed and returned to said court as in case of opening roads; and upon the return of said writ duly executed, the said court shall adjudge the payment of said damage, and upon payment thereof the court shall issue a writ requiring the sheriff to put the said board of trustees in possession of said lot, and thereupon the title of said lot shall vest in said board of trustees: *Provided*, They shall not have the right to condemn any private property used by the owner as a residence, orchard, garden, barn-yard, lots, springs, and burying-ground of himself or family.

1873.

§ 24. If any of the said board of trustees, the treasurer or collector, shall use or appropriate any fund which may come into their hands for school purposes, to their or his own use, he shall be fined not less than one hundred nor more than one thousand dollars, and confined in the State Penitentiary not less than one nor more than three years.

Penalty for fraud in officers.

§ 25. That any lands condemned to the said trustees, as prescribed in section twenty-three, shall be conveyed to said trustees by a commissioner appointed by the court for that purpose; but said conveyance shall not be made until the owner of said land has been paid the price fixed by the jury.

§ 26. This act shall take effect from and after its passage.

Approved April 21, 1873.

CHAPTER 998.

AN ACT to establish schools for the education of children of citizens of African descent in McCracken county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That for the purpose of creating a fund, out of which to educate the colored children of McCracken county, the following is enacted: That there shall be collected hereafter, beginning in the year 1873, an annual tax as follows: twenty cents on each one hundred dollars' worth of property owned by persons of color situated in McCracken county subject to pay State revenue, and also a poll or per capita tax of one dollar on each colored male resident of said county over the age of eighteen years.

Tax for colored school purposes.

1873.

Sheriff to collect
tax.

§ 2. That it shall be the duty of the sheriff of said county, or the collector of railroad tax for said county, at the same time he collects the railroad tax for said county, to collect the said school tax; and he shall have all the power to levy on and sell property for said tax that he has in selling for railroad taxes, and the same may be redeemed in the same way; and said sheriff or collector shall execute bond, with good security, for the faithful discharge of his duty in collecting and paying over said school fund; and on his failure to do so may, with his securities, be sued in any court in said county having jurisdiction of the case. And the same rules as to time of collection and payment that apply to the collection of the N. O. & O. R. R. tax shall apply to the collection and payment of said tax.

Commissioner to
establish and con-
duct colored
schools.

§ 3. It shall be the duty of the common school commissioner for said county to lay off the city of Paducah and said county into suitable school districts for colored schools, have elections for trustees by colored people, and in all respects superintend said schools and have them conducted in the same way that white schools are conducted: *Provided*, That the teachers and trustees shall all be colored people.

§ 4. It shall be the duty of said commissioner to collect from the sheriff or collector of the tax as provided in this act; and on his failure to collect and pay to said commissioner, institute the proper legal proceedings to compel him and his securities to pay over said fund as provided in this act

Duties of com-
missioner.

§ 5. It shall be the duty of said commissioner to distribute said fund among the various schools taught in said county by colored persons pro rata according to the children in each district.

Commissioner to
report to county
court.

§ 6. It shall be the duty of said commissioner to report annually to the county court of said county all the schools taught, number of children, time taught, and all important matters connected with said schools, which report shall be filed.

Commissioner's
fees.

§ 7. The said commissioner shall have for his services, to be paid out of said fund, the same compensation that he gets from the State and county for similar services.

§ 8. This act shall take effect from its passage.

Approved April 21, 1873.

CHAPTER 999.

1873.

AN ACT for the benefit of James A. Allen, jailer of Bourbon county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Auditor of Public Accounts be directed to draw his warrant on the Treasurer in favor of James A. Allen, jailer of Bourbon county, for the sum of ninety-two dollars, money actually paid out by him in recapturing Wm. Osborn, a noted horse-thief and desperado.

Approved April 21, 1873.

CHAPTER 1000.

AN ACT for the benefit of Gobrias Terry, Ben. T. Perkins, sr., and S. H. Perkins.

WHEREAS, Wm Duncan, late of the county of Todd, listed four hundred and thirty-one acres of land for taxation in the year 1870, and subsequently sold said land to Gobrias Terry, Ben. T. Perkins, and S. H. Perkins, who bought without knowing there was any taxes due thereon, and Duncan having removed from the State of Kentucky, and the sheriff of Todd county not being able to find any property out of which to make the taxes; and whereas, the said Terry, B. T. and S. H. Perkins, are innocent purchasers, and should be relieved from the damages imposed by law; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to remit the penalty imposed by law on the tax due on the land listed by Wm. Duncan in the year 1870, and to receive in settlement from Gobrias Terry, Ben. T. Perkins, and S. H. Perkins, the amount of the original tax.

§ 2. This act to take effect from its passage.

Approved April 21, 1873.

CHAPTER 1001.

AN ACT to amend an act, entitled "An act to cause good school-houses to be erected in the Eighth and 9th Congressional Districts."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act to cause good school-houses to be erected in the Eighth and Ninth Congressional Districts," be so amended that section two of said act shall be extended until the first day of September, 1873.

1873. § 2. That the eighth section of said act be so amended as to extend the provision of said section until the first day of November, 1874.

§ 3. That sections one, three, four, five, six, seven, ten, eleven, and twelve shall remain in full force and effect.

§ 4. This act shall only apply to the counties of Jackson, Estill, Rockcastle, Laurel, Knox, Bell, Harlan, Perry, Owsley, and Clay.

§ 5. This act shall be in force from its passage.

Approved April 21, 1873.

CHAPTER 1002.

AN ACT to incorporate the Cumberland Valley Mining Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

<p>Corporators' names.</p> <p>Name and style.</p> <p>Corporate powers.</p>	<p>§ 1. M. T. Callahan, G. W. Webb, J. B. Oliver, J. G. Banks, C. H. Webb, A. Hensley, S. C. Sayres, and their associates, successors, and assigns, be, and they are hereby, created a body-corporate, by the name, style, and title of the Cumberland Valley Mining Company; and by that name are hereby made capable in law as natural persons to contract and be contracted with, sue and be sued, plead and be impleaded, in this Commonwealth and elsewhere, in all courts of law and equity; to have a common seal; to ordain and put in execution all such by-laws, ordinances, and regulations as shall seem necessary and proper for the conducting and government of said corporation, not inconsistent with the Constitution and laws of this State or of the United States.</p>
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<p>Capital stock.</p>	<p>§ 2. The capital stock of said company shall be two hundred thousand dollars, to be divided into shares of twenty-five dollars each. Said company may commence business as soon as ten thousand dollars of capital stock is subscribed. The remaining portion of said stock may be issued and sold by the board of directors of said company at such times as they may deem proper.</p>
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<p>May acquire and dispose of property.</p>	<p>§ 3. That said company may have power to negotiate for, purchase, and hold as much real estate as they may deem necessary for the successful prosecution of their business, to-wit: to explore, excavate, mine, dig for coal, iron, silver, lead, and all other minerals, and in manufacturing the same, and other products of the land now owned by them, or which hereafter may be owned by them, by lease or otherwise; to purchase, build, and own boats and other implements and machinery for carrying on said business; to erect all necessary buildings for its transactions; to hold such mining rights and rights of way and real estate as they may deem necessary for the successful prosecution of their business, and the same, or</p>
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any part thereof, to sell or otherwise dispose of as the interest of the company may require.

1873.

§ 4. For conducting the affairs of said company, a board of not less than three nor more than seven directors of said company shall be chosen; said board shall choose one of their number, who shall be the president of said company; and said board shall serve until their successors are elected and qualified. The president and directors have power to appoint all other officers, agents, and servants, and remove them at pleasure. In all elections each share shall entitle the holders to one vote; stockholders may vote by proxy. The stock of said company shall be deemed personal property.

Directors & their powers.

§ 5. Books for the subscription of stock may be opened at any time and place, and closed again at pleasure. It shall be lawful for the president, directors, and company, from time to time, to borrow or obtain on loans such sums of money, and on such terms, as they may deem expedient for the use of said company, and to pledge or mortgage all or any part of the estate, improvements, privileges, effects, and assets of said company for the repayment of such sums of money so borrowed, at such times as may be agreed upon.

May borrow money and secure same by mortgage.

§ 6. In the event of failure of any stockholder to pay up his stock as called for by order of the board, the share or shares of said stockholder may be forfeited by the president and directors, or they may, if they so elect, sue and recover the same.

How stock may be forfeited.

§ 7. This act shall be in force from its passage.

Approved April 21, 1873.

CHAPTER 1003.

AN ACT for the benefit of Spencer King, sheriff of Bell county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the twenty per cent. damages assessed against Spencer King, sheriff of Bell county, upon the revenue due from said county for the year 1871, be, and said damages are hereby, remitted; and said King is released from the payment of same.

§ 2. That said King shall have until July 1st, 1873, to make out and forward his delinquent lists for the years 1871 and 1872.

§ 3. This act shall be in force from its passage.

Approved April 21, 1873.

1873.

CHAPTER 1004.

AN ACT to repeal an act, entitled "An act for the benefit of common school district No. 31, in Bullitt county," approved March 15th, 1871

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act for the benefit of common school district No. 31, in Bullitt county, approved March 15th, 1871, be, and the same is hereby, repealed.

§ 2. This act to take effect and be in force from and after its passage.

Approved April 21, 1873.

CHAPTER 1005.

AN ACT to regulate official advertisements of sales of sheriffs and master commissioners in the county of Jessamine.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all official sales to be made by the sheriff or master commissioner of Jessamine county, or by any guardian, executor, or administrator of real or personal property within said county, shall, whenever said property shall exceed three hundred dollars in value, be advertised in two consecutive numbers of some newspaper published in said county, the cost of such advertising to be paid by the person authorized to sell said property out of the proceeds of the sale thereof.

§ 2. That not more than twelve dollars shall be paid the publisher of any newspaper in said county for any such advertisement.

§ 3. All acts or parts of acts in conflict herewith are hereby repealed.

§ 4. This act shall go into effect from and after its passage.

Approved April 21, 1873.

CHAPTER 1006.

AN ACT for the benefit of the Hodgenville and Elizabethtown Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Hardin county (a majority of the justices of the peace therein concurring) may sell, transfer, or set over to the Hodgenville and Elizabethtown Turnpike Road Company so much of the Nash-

ville Turnpike as said company may want to use in the construction of their road from Hodgenville to Elizabethtown.

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§ 2. This act to take effect and be in force from and after its passage.

Approved April 21, 1873.

CHAPTER 1007.

AN ACT to amend an act, entitled "An act to incorporate the Simpson County Agricultural and Mechanical Association," approved January 27, 1868.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That nothing contained in an act, entitled "An act to incorporate the Simpson County Agricultural and Mechanical Association," approved January 27, 1868, shall prohibit the president and directors to issue certificates of stock for a less sum than five hundred dollars. They are authorized to issue certificates for any sum not less than one hundred dollars.

§ 2. This act shall take effect from its passage.

Approved April 21, 1873.

CHAPTER 1008.

AN ACT for the benefit of Nelson Durham, late sheriff of Bell county.

WHEREAS, Nelson Durham, late sheriff of Bell county, has so far failed to get a credit for his delinquent lists for the years 1869 and 1870, in consequence of the failure of the late clerk of said county to forward said lists to the Auditor of Public Accounts, after they had been made out and allowed as required by law; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be directed to receive the delinquent lists of said Durham, as late sheriff of Bell county, for the years 1869 and 1870, and that said sheriff have a credit for the same.

§ 2. That Nelson Durham, late sheriff as aforesaid, shall have the further time of eighteen months from the passage of this act to collect all his uncollected taxes and fee bills, under the same rules, regulations, and restrictions as now provided by law governing the sheriffs of this Commonwealth.

§ 3. This act shall be in force from its passage.

Approved April 21, 1873.

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CHAPTER 1009.

AN ACT for the benefit of J. J. Wood, late sheriff of Clinton county, &c.

WHEREAS, In the year 1861 the revenue of Clinton county amounted to the sum of two thousand four hundred and forty-eight dollars and ninety cents (\$2,448 90); J. J. Wood, then sheriff of said county, was prevented from collecting any of said revenue except eleven hundred dollars (\$1,100). The amount of payments made by him and his securities, Thomas Travis, James H. Wood, William Perkins, and Ballinger Wright, administrator of Ambrose Pierce, deceased, is three thousand six hundred and forty-six dollars and seventy-seven cents (\$3,646 77); whereas, we find, after deducting the aforesaid sum of eleven hundred dollars (\$1,100), and nine dollars and seventy-five cents (\$9 75) costs, his payments exceed his receipts the sum of two thousand five hundred and thirty-seven dollars and two cents (\$2,537 02). Then deduct attorney's fees of one hundred and ten dollars and ninety-eight cents (\$110 98), leaves a balance in excess of collections by said sheriff of two thousand four hundred and twenty-six dollars and four cents (\$2,426 04). Then deduct the sum of one thousand and eighty-five dollars and eighty-nine cents (\$1,085 89), amount refunded to said Wood and his sureties, by act of the General Assembly of the Commonwealth of Kentucky, his payments then exceed his credits by the sum of one thousand three hundred and forty dollars and fifteen cents (\$1,340 15); therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the said sum of one thousand three hundred and forty dollars and fifteen cents (\$1,340 15) be, and the same is hereby, refunded to the said J. J. Wood, Thomas Travis, James H. Wood, William Perkins, and Ballinger Wright, administrator of Ambrose Pierce, deceased, said sheriff's securities; and for said sum the Auditor of Public Accounts will draw his warrant on the Treasury, payable to the said J. J. Wood, Thomas Travis, J. H. Wood, William Perkins, and Ballinger Wright, administrator as aforesaid, to be paid out of any money in the Treasury not otherwise appropriated, of which said sum three hundred and eighty-two dollars and ninety-five cents (\$382 95) shall be paid to the said Ballinger Wright as administrator aforesaid—it being the full amount paid by said decedent's estate by reason of decedent's suretyship. The said Thomas Travis and James H. Wood shall receive of said sum hereby appropriated the full amount, less interest paid by each of them on said revenue bond, subject to a credit of any amount or amounts received by them or either of them. And the said William Perkins shall receive of said fund hereby appropriated the full

amount, less interest paid out by him on said revenue bond, after giving a credit for what he sold the land for he bought at sheriff's sale as the property of the said J. J. Wood, and all and every other sum or amounts received by him from the said J. J. Wood, or any other person or persons for him.

1873.

§ 2. This act shall take effect from and after its passage.

Approved April 21, 1873.

CHAPTER 1010.

AN ACT to incorporate the Tradewater Navigation, Mining, and Manufacturing Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That B. M. Long, G. V. Winston, Otho Nunn, Samuel A. Frazier, Augustus Brooks, George W. Winn, James R. Johnson, C. W. Gardner, Jo. D. Lockhart, John W. Dyer, W. L. Gordon, Polk Laffoon, Bluford Wilson, H. L. Morrill, John P. Haines, John W. Blue, Wm. C. Carvill, Singleton Hodge, J. N. Wood, and Geo. H. Towery, of Crittenden county, Kentucky; W. H. Coterill, of New York city; John E. Gowen, of Boston, Massachusetts, their associates and successors, be, and they are hereby, created a body-politic and corporate, with perpetual succession, by the name and style of the "Tradewater Navigation, Mining, and Manufacturing Company;" and by that name are made capable in law and equity to sue and be sued, implead and be impleaded, in all courts of law and of equity; to contract and be contracted with; to make, have, and use a common seal, and to alter and change the same at pleasure; and said corporation shall have such powers and authority as herein granted.

Corporators' names.

Name and style.

§ 2. The capital stock of said company shall be two hundred and fifty thousand dollars, and may be, at any time, increased by a vote of the majority of the stockholders to the sum of one million dollars, and the same shall be divided into shares of one hundred dollars each.

Capital stock.

§ 3. The officers of said corporation shall consist of a board of directors, composed of not less than five nor more than nine natural persons, a secretary and a treasurer, all of whom must be stockholders of the corporation. The directors shall be elected annually on the second Wednesday of April in each year, or as soon thereafter as practicable, by the stockholders of the company, each stockholder having the right to cast one vote in person or by proxy for each share of stock. The directors shall elect one of their number president, who shall also be the exec-

Officers.

Directors to appoint officers and their term of office.

1873. utive officer of the company, and shall also elect a secretary and treasurer. The officers shall hold their respective offices for the term of one year, and until their successors are elected and qualified. All officers of said corporation shall take an oath to support the Constitution of the United States and of the Commonwealth of Kentucky, and to honestly and faithfully discharge the duties of their offices.

Corporate power.
§ 4. Said corporation shall have and may exercise the following powers: *Provided*, None of said powers shall be so exercised as to obstruct or impede the use of said river by other parties further than may be necessary in putting in and using same:

First. To purchase, own, and hold lands, and interests therein, for the purpose of working mines, cutting timber therefrom, and all other purposes for which lands are held and used, in accordance with the laws of this Commonwealth.

Second To construct on Tradewater river and its tributaries locks and dams, and bracket dams, to improve the navigation thereof; also to create water-power for manufacturing purposes, when it can be done without obstructing navigation; but said company shall not exercise any of its powers in such manner as to cause the water to overflow lands not the property of said company; and to construct, maintain, and operate roads, tramways, and railways from any lands owned by them to the Tradewater river; and said corporation shall have power to collect reasonable tolls from persons using or having the benefit of the improvements made by them.

Third. To cut, run, and manufacture timber and lumber in all its shapes and forms, and to erect and operate the necessary machinery therefor.

Fourth. To construct and operate all necessary machinery for mining and for manufacturing the products of mines; to construct, build, use, run, and operate boats, barges, and other vessels for the navigation of all streams, and to construct, use, and keep in repair, all necessary docks, marine railways, and appurtenances for building, loading, and unloading boats and vessels.

Fifth. To transact and do all necessary business properly connected with the carrying on of the different branches of business herein specified.

Sixth. By writ of *ad quod damnum* issued from the county or circuit court of any county in which it may be proposed to make such improvements, to condemn such lands on said river as may be necessary to use in construction of said locks and dams. The proceeding for condemning same to be the same as provided by law for condemning lands for mill-seats. Said company not to enter or use

said lands until the damages and costs awarded are fully paid to the party or parties entitled thereto.

1873.

Seventh. To make such by-laws, not inconsistent with the laws of this Commonwealth, as may be necessary and proper for the transaction of the business of the company. Said by-laws to be adopted by a majority of the directors of said company.

Eighth. To sell, dispose of, and convey any of their real estate, personal property, and choses in action; also to borrow money, issue bonds with coupon attached for the interest, and to secure any loan or bonds with coupons attached, by mortgages of their property and corporate franchises. Such bonds shall not bear interest at a rate greater than ten per cent. per annum.

§ 5. The incorporators named in this act, or a majority of them, may, after notice posted in three public places in Union county, and three or more public places in Crittenden county, and in some paper published in Union county, if any is so published, for ten days previous thereto, open books for subscription to the capital stock of said company, at such place as may be named in said notice; and when fifty thousand dollars of said stock shall be subscribed, they may proceed to organize the company by the election of a board of directors for the ensuing year. Each of the corporators named in the first section of this act shall have notice, by mail or otherwise, of the time and place of opening books for the subscription of stock before same shall be opened; and the books shall be kept open for sixty days or more before an organization shall be had.

Books of subscription to be opened.

§ 6. The shares of said company shall be deemed and held as personal property, and shall be transferable in such manner as may be prescribed in the by-laws.

Shares to be personal property.

§ 7. The said company shall have power to charge, collect, and receive such tolls as are now authorized by law to be collected on Kentucky river. But said company shall not charge any tolls or lockage on any freight or substance whatever, shipped or floated from any point on said river, above where the improvements in same put in by said company shall create slack-water from such point of shipment to the Ohio river.

Rate of tolls.

Crafts from above slack-water not to pay tolls.

§ 8. That unless said company shall have, within twelve months after the passage of this act, in good faith, commenced the work of putting in locks and dams in said river, then it shall forfeit all rights, powers, franchises, and privileges conferred by this act, and this act shall be null and void. The right of said company to put locks and dams in said river shall not continue for a longer period than three years from and after its organization; and the General Assembly shall have the right, at the

Limit of time in which company to commence operations.

1873. end of said time, to place such portions of said river in control of other parties, in which the improvements of said company shall not have created slack-water three feet deep at low water. The locks and dams to be put in by said company shall be substantial and well built, and shall not be less than one hundred and sixty feet in length and thirty feet in width: *Provided, however,* That said locks shall be of sufficient width and length to permit the largest-sized steamboats that usually navigate said river to pass with safety and convenience, although this may require greater dimensions than those named above.

§ 9. This act shall take effect from its passage.

Approved April 21, 1873.

CHAPTER 1012.

AN ACT to incorporate the South and West Banking Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That John T. Bate, Clarence Bate, James Callahan, J. C. McFerran, and James W. Bowles, together with their associates, successors, and assigns, shall be, and they are hereby, created a body-corporate and politic, under the name and style of the South and West Banking Company, and shall so constitute a body-politic and corporate until the first day of January, 1896; and by that name shall be competent to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and defend, in all courts and places as a natural person; and may have and use a common seal, and alter and change the same at will; and said body-politic and corporate shall have all other rights and powers incident to corporations in general; may do such acts and things as may be advisable and within the purview of this act; and may ordain and establish, for the prudent management and control of its concerns, such ordinances, rules and regulations, as are not contrary to the Constitution and laws of Kentucky or of the United States.

§ 2. The capital stock of said bank shall be five hundred thousand dollars, to be divided into shares of one hundred dollars each; and the persons named in the first section of this act, or any of them, may open books for and receive subscriptions to such capital stock, at such times and places, and under such rules and regulations, as a majority of them may deem proper; and they may, in the subscription books, fix the amount to be paid on such share of stock subscribed, the time of such payment, and

the manner of securing the deferred payments on all such subscriptions; and the president and directors of said bank, when duly organized according to the provisions of this act, may sell or dispose of the shares of stock remaining unsold in such manner and upon such terms as a majority of them shall determine.

1873.

§ 3. The persons named in the first section of this act, or a majority of them, may cause the books of subscription to the capital stock of said bank to be kept open until the whole amount of the capital stock is subscribed for, or when two hundred thousand dollars has been subscribed for, and the sum of seventy-five thousand dollars actually paid on said subscriptions, said persons may proceed to the election of a board of directors as hereinafter provided; and said bank shall then commence its business operations, and not sooner.

Books of subscription may be opened.

§ 4. The board of directors of said bank shall consist of seven members, who shall elect one of their number president; and said president and directors shall conduct and regulate the business transactions of said bank. The persons named as corporators in the first section of this act may, after the provisions of the third section of this act shall have been complied with, proceed to hold an election for directors of said bank, after having first given ten days' notice of the time and place thereof, in at least two daily papers published in the city of Louisville. At said election none but the stockholders shall be entitled to vote; and each stockholder shall be entitled to as many votes as he has shares of stock in said bank, and said votes may be cast in person or by proxy. The persons receiving the highest number of votes shall be declared directors; and such elections shall be held annually in the manner herein prescribed; and the election shall be conducted by three stockholders in said bank, to be appointed by the retiring board of directors, and who shall declare on oath what persons have been elected, and shall enter the same of record on the books of said bank; and whenever any director shall refuse or fail, from whatever cause, to qualify or serve as director, his place shall be declared vacant, and such vacancy shall be filled by the remaining directors.

Election of directors a term of office.

§ 5. No person shall be eligible to the board of directors of said bank unless he is the owner of ten shares of the capital stock of said bank, and unless he is a resident and citizen of Kentucky.

Qualifications of directors.

§ 6. The board of directors of said bank shall be intrusted with the management and control of the property, business, and affairs of said bank, and may, from time to time, establish such by-laws and ordinances for the government and conduct thereof as they may deem proper: *Provided*, The same be not contrary to the laws of this

Directors' powers and duties.

1873. Commonwealth. They shall elect from their own body a president and vice president, and may prescribe their duties, and the mode of their election. Said directors and president may prescribe what number of directors shall constitute a quorum for the transaction of business, and may elect or appoint such agents, employees, or servants as may be advisable, who shall hold at the pleasure of said board; and such persons may be required to give bond before entering on the discharge of their duties, and upon such bond recovery may be had for breaches thereof.

May do general
banking business

§ 7. That said bank shall have and keep an office for the transaction of its business in the city of Louisville, and it shall be lawful for said bank to loan money (but said bank, in loaning money by discount or otherwise, shall do so in accordance with the laws of this Commonwealth), deal in bills of exchange, checks, and promissory notes; discount bills of exchange, promissory notes, and other negotiable paper; draw letters of credit; buy and sell bills of exchange, promissory notes, stocks, bonds, and other securities and things; and all inland bills of exchange discounted or purchased by said bank, and all promissory notes made payable at any bank in this State, and indorsed to and discounted by said bank, shall be, and they are hereby, placed upon the footing of foreign bills of exchange; and like remedy may be had thereon, jointly and severally, against the makers, drawers, indorsers, and other parties to such instruments.

May acquire and
dispose of prop-
erty.

§ 8. Said bank may acquire, hold by purchase or otherwise, and may occupy and enjoy, all such real and personal property, of every description, as may be necessary for the transaction of its business, or which may be conveyed or pledged to it as security for any debt, or purchased in satisfaction of any debt, judgment, or decree, and may sell and convey, or otherwise dispose of, such property as a natural person.

Additional pow-
ers.

§ 9. The said bank shall have power to make advances of money on approved securities of any kind. It may receive bonds, stocks, produce, merchandise, personal or real estate, bills of lading, and warehouse receipts, in pledge for the security of money loaned or for debts owing to it, and may sell the same in accordance with the provisions of an act, entitled "An act for the benefit of the incorporated banks of Kentucky," approved March 16th, 1871. And said bank may receive deposits of gold, silver, bank notes, United States Treasury notes, and other currencies, and pay the same in kind, or as may be agreed by the parties, and may allow interest on deposits not exceeding the rate of interest allowed by law in this State.

§ 10. The stock of said bank shall be deemed personalty, and shall be transferable only on the books of the company.

1873.

Stock to be personal property.

§ 11. It shall be lawful for said bank to receive on deposit any sum not less than one dollar; and minors and married women may deposit therein in their own names, and check therefrom in their own names, unless restrained by some competent tribunal.

May receive deposits of minors and *femes covert*.

§ 12. It shall be the duty of the president of said bank to pay into the treasury of this Commonwealth, on the first of January of each year, the sum of fifty cents on each one hundred dollars of its cash paid-up capital, which shall be in lieu of all other tax or bonus, and be a part of the revenue proper of this Commonwealth.

State taxation.

§ 13. A statement of the affairs of said bank shall be made by the cashier under oath, for the inspection of stockholders and depositors, on the first Monday of January in each year, and published in some newspaper of general circulation published in the city of Louisville; and said company may, through its president and directors, declare a dividend of such proportion of its profits as it may deem proper; but in no event shall its capital stock be diminished.

Officers to make report.

§ 14. If any officer of this corporation shall unlawfully appropriate any funds of said corporation to his own use, or shall willfully fail to make correct entries in the books or accounts thereof, or shall knowingly make false ones, with intent to cheat or defraud said corporation or any person, or to conceal any improper appropriation of its funds, the officer so offending shall be deemed guilty of felony, and upon conviction thereof shall be sentenced to imprisonment in the penitentiary for a period of not less than three nor more than five years.

Penalty for fraud in officers.

§ 15. No certificate of stock shall be issued by said corporation unless the same shall have been subscribed for on books provided for that purpose, and actually paid in.

Stock to be paid in before certificate to issue.

§ 16. The indebtedness of said corporation, over and above that incurred for deposits, shall at no time exceed its cash paid-in capital.

§ 17. The right is hereby reserved to investigate into the management and affairs of said corporation, by any committee or person appointed by the Legislature for that purpose; also, to alter, modify, amend, or repeal this act at pleasure.

§ 17. This act shall take effect and be in force from its passage, provided said corporation is organized in one year from its passage; and if not so organized within that time, this act shall be null and void.

Approved April 22, 1873.

1873.

CHAPTER 1013.

AN ACT to charter the public schools of Falmouth and district No. 1, in Pendleton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

System of public schools established.

§ 1. The town of Falmouth and district No. 1, adjacent thereto, is hereby authorized and directed to establish, support, and maintain a system of public schools in said town and district adequate to the teaching of all children applying for instruction therein.

When trustees to be elected.

§ 2. The said schools shall be under the control of a board of three trustees, to be elected annually by the qualified white voters in said district under the common school laws of Kentucky, on the first Saturday in April.

Trustees to provide school-houses.

§ 3. The said trustees under this charter are hereby empowered to provide for the erection of as many school-houses, and the maintenance of as many schools, as may be necessary to afford to the white children in said district the advantages of a common school education.

Name and style.

Corporate powers.

§ 4. The said board shall be, and is hereby, created a body-corporate and politic, with perpetual succession, by the name and style of the School Board of the Town of Falmouth; and in that name may contract and be contracted with, sue and be sued, in all courts and places whatsoever; may have and use a corporate seal; and the said corporation shall have full power and exclusive control of all the school property and school money and funds now belonging, or that may hereafter in anywise come to, belong, or appertain to the common school fund or to the public schools aforesaid; and all the property of every description that may at any time be owned by said corporation, and all the funds or means that may at any time come under the control of the same, are hereby forever dedicated to the purposes of said schools; and the title to all the property, real and personal, and the property itself, known and used as public school property, are hereby vested in said corporation; and the same shall remain forever free from all debt or liability of said town, and free from either city or State taxes, together with all property that may be hereafter acquired by said corporation.

Property exempted from taxes.

Trustees to fix school term, examinations, &c.

§ 5. The said board shall fix, by ordinance, the commencement and termination of the current year for said schools, and shall appoint from their own body a committee, whose duty it shall be, from time to time, to visit said schools and attend all examinations thereof, which examinations shall take place at the close of the current year.

Board to appoint examiners.

§ 6. The said board shall appoint a board of examiners, not of their own number, to examine teachers applying to be employed in said schools, who shall accurately report

their qualifications for teaching and degrees of scholarship, without favor, affection, or partiality.

1873.

§ 7. The said board shall have power to employ teachers, fix their compensation, remove them for good cause; provide for, regulate, and manage the schools; appropriate money to defray the expenses of the same from the school funds; and two thirds of the members shall be a quorum for the transaction of all business, except the election of a teacher and the appropriation of money, which shall require the unanimous vote of the board.

Board to employ and pay teachers, &c.

§ 8. The said board shall annually appoint a clerk, collector, and treasurer, and shall have full power to prescribe and regulate their duties for carrying into effect the provisions of this charter.

Board to appoint officers and prescribe duties.

§ 9. The said board shall have for the funds for the support of said schools the amount of the common school fund due said district annually from the State, as provided for in the common school law, a capitation tax not to exceed one dollar on each tithe, together with a sum to be raised by the taxation of all the taxable property in the said district, and this shall be sufficient only to meet the current expenses of the said schools, to be levied and collected annually by the said board, and such other sources as the board may devise, shall be, and are hereby, irrevocably set apart and dedicated for school purposes; and the treasurer shall keep a separate account of all the school funds, from all sources derived, and only pay it out upon the order of the said board.

School funds—how raised.

§ 10. The said schools shall be under the control, and subject to the provisions of the common school laws of Kentucky, except wherein they conflict with this charter.

§ 11. The said board shall have power to organize the said school into three departments, and the primary and intermediate departments shall include all branches required to be taught by the common school laws of Kentucky. In the high school department shall be taught the languages, and such other branches of a liberal education as may be prescribed by the board, and all pupils attending said department shall be required to pay a tuition fee, the amount of said fee to be fixed by the board; and it is expressly provided in this bill that no part of the common school fund derived from the State, nor that derived from taxation of the property in said district, nor that derived from the capitation tax, shall be used in maintaining the high school department of said schools.

Board to organize departments in schools, & fix studies.

§ 12. The trustees of the common school district No. 1, and also the trustees of Pendleton Academy, are hereby authorized to transfer and deliver to the trustees created by this act all property, real, personal, or mixed, in their possession as such, and belonging to said district No. 1,

Certain property and franchises to be transferred to trustees.

1873. or to the Pendleton Academy, to be used by this board for the benefit of the schools organized under this act.

Act to be submitted to people.

§ 13. This act shall be submitted to the qualified white voters under the common school laws of Kentucky, in the boundary of district No. 1, on the first Saturday in June next, 1873, and if ratified by a majority of the qualified white voters of said district, shall go into effect at the beginning of the next school year, the first day of July next; and the trustees elected at said election shall continue in office under this charter until the next regular election.

§ 14. This act to take effect and be in force from its passage.

Approved April 22, 1873.

CHAPTER 1014.

AN ACT for the benefit of common school district No. 1, in the county of Jessamine.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Nicholasville may establish graded schools & studies.

§ 1. That in addition to primary school provided for by an act to revise, amend, and to reduce into one the laws relating to common schools in Kentucky, approved March 21st, 1870; also an act to amend an act to revise, amend, and to reduce into one the laws relating to common schools of Kentucky, approved March 13th, 1871; also an act to allow common school districts to levy a district school tax, approved March 2d, 1865; and also an act for the benefit of common schools in Jessamine county, approved February 28th, 1873, the trustees of district No. 1, Jessamine county, embracing the town of Nicholasville, may establish graded schools, constituted of primary, intermediate, or high school departments; the primary school, as provided for as above, shall be the primary department; the intermediate department shall embrace a more advanced course of study, which shall include mental and practical arithmetic, geography, English grammar, composition, penmanship and book-keeping, history, and Constitution of the United States, besides such other branches as trustees or the State Board of Education may recommend or select. The high school department shall embrace the highest course of studies prescribed and allowed in the public free schools, and shall include natural philosophy, physiology, algebra, geometry, rhetoric, logic, mental and moral philosophy, besides such other branches as may be selected as above.

Boundary.

§ 2. That said district shall be, as near as practical, not less than four miles square and not more than five; and

that the commissioner of common schools in said county may alter and change districts affected by the enlargement of district No. 1 at any time before reporting his census. 1873.

§ 3. That no teacher shall be employed by the trustees until first examined by the board of examiners for the county, and certified as to his or her qualification to teach in the department proposed. Teachers to be examined before appointment.

§ 4. That the commissioner shall act as treasurer, and disburse the money received by him from the sheriff, collected from the taxable property of said district, and the capitation tax, as provided in the act for the benefit of common schools in Jessamine county, approved February 28th, 1873, upon the order of the trustees, to pay for building, repairing school-houses, and salaries of teachers, and for any purchase of academies and grounds, or other educational institutions, or any interests in the same. Commissioner to act as treasurer.

§ 5. That the trustees of said district No. 1 shall have power to lease, purchase, or receive as a donation, any real or personal estate from individuals, academies, or other institutions of learning, for the benefit of a graded school in said district. Trustees may receive donations.

§ 6. This act shall be in effect from its passage.

Approved April 23, 1873.

CHAPTER 1015.

AN ACT to incorporate the Eastern Kentucky Coal, Iron, Lumber, Land, and Manufacturing Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That George B. McClellan, P. H. Watson, John G. Carlisle, John W. Stevenson, Robt. T. Davis, B. J. Peters, Charleton Alexander, Thomas Turner, John Jay Anderson, Wm. Hoffman, William Mitchell, John Jay Cornelison, P. A. Howard, J. S. Pittman, E. F. Clay, James Turley, Joseph T. Tucker, Buckner Woodford, Amos Shinkle, E. E. Garrett, Wm. Earnst, and George H. Pendleton, or such of them as will act, and their associates, successors, and assigns, are hereby created a corporation and body-politic, under the name and style of the Eastern Kentucky Coal, Iron, Lumber, Land, and Manufacturing Company; and by that name shall have perpetual succession, with power to contract and be contracted with, sue and be sued, in all courts and places, and have and use a common seal and alter the same at pleasure, and to make all necessary by-laws and regulations for the government of said company and the conduct of its business, not inconsistent with the Constitutions of Kentucky and the United States, or the laws made in pursuance thereof. Corporators' names. Name and style.

1873.

Corporate
powers.

§ 2. Said company shall have power and is hereby authorized to purchase and hold not exceeding one hundred thousand acres of coal, iron, lumber, and mineral lands in this State, and to purchase and hold coal, iron, lumber, and mineral rights in not exceeding one hundred thousand acres of land in this State, and to erect iron furnaces in and upon their lands, and to manufacture pig or bloom iron and transport the same to market, and to get up and transport iron ore and other valuables found on their land to market; to erect saw-mills, manufacture lumber, and transport the same to market; to subscribe stock to railroads passing in the vicinity of their land; to borrow money, and to issue its own bonds, bearing a rate of interest not exceeding ten per cent. per annum, payable semi-annually, and to secure the same by mortgage upon the property of said company; and to sell, negotiate, and pledge said bonds at such rate of discount as they may deem best; and to do all other acts and things necessary and proper to carry out the powers herein granted; but shall not issue their bonds to a greater extent in amount than the capital stock paid in, or secured to be paid in; and said company shall have power to contract and trade in or out of the State of Kentucky.

Capital stock.

When company
may organize.May increase
capital stock.

§ 3. The capital stock of said company shall be one million dollars, in shares of one hundred dollars each, which shares shall be personal property, and may be subscribed, paid for, transferred, and forfeited for non-payment, in such manner as said company or its board of directors, by order on their company books, prescribe; and may organize and proceed to business when fifty thousand dollars shall have been subscribed, and ten per cent. thereof paid in; but no certificate of stock shall be issued until the same shall have been subscribed on books for that purpose, and the same shall have been actually paid in. By consent of two thirds in interest of the stockholders, the capital stock may be increased, from time to time, to an aggregate amount not exceeding ten millions of dollars. The stock may be voted by proxy, and each share of stock shall be entitled to one vote in the election of officers and the control of the company.

Officers—when
elected and term
of office.

§ 4. The officers of said company shall consist of a president, secretary, and treasurer, and not less than three nor more than seven directors; and the president and board of directors shall control and manage the business of the company. The officers shall be elected by the stockholders, and shall hold their offices for such length of time as shall be determined upon by a majority of the stockholders represented at their first meeting. A majority of the board shall constitute a quorum, and at the meeting of the stockholders, in order to constitute a quo-

rum, there shall be present, in person or by proxy, a majority in interest of all of them. 1873.

§ 5. Said company may, from time to time, declare dividends, distribute profits or proceeds of the sale of the property of the company to its stockholders. May declare dividends.

§ 6. The stockholders shall not be individually liable for the contracts, liabilities, or debts of the company; but the stock privileges and property owned and held by the company shall be liable therefor. The principal office of said company shall be kept in such place as the majority of the stockholders may, from time to time, designate. No individual liability of stockholders.

§ 7. Nothing in this act shall be construed to confer upon said company any banking or lottery privileges; and the stock in said company, or the property owned thereby, shall be liable to State, county, and municipal taxation to the same extent and no greater than other property of a similar character. No banking privileges conferred.

§ 8. When the minimum amount required to be subscribed before organization shall have been subscribed, any three of the corporators named herein may, by public notice in a newspaper, call a meeting of the stockholders at any named time and place, for the purpose of organization; and if at such time and place there be present, either in person or by proxy, a majority in interest of the stockholders, they shall proceed to organize and appoint a committee of two to ascertain and report if the minimum amount required to be subscribed before organization has been subscribed; and if a majority in interest of such subscribers are represented at that meeting, and if they so report, it shall be final and unquestioned, and the meeting shall proceed to elect officers and organize; and the legality of such organization shall not be questioned. Upon notice meeting is to be called to organize.

§ 9. The subscriptions of stock to said company, made before it is organized, may be made payable to any one of the corporators named herein for the benefit of the company when organized.

§ 10. This act shall take effect from its passage, and the company may organize within five years.

[Became a law without the Governor's signature, April 22, 1873.]

1873.

CHAPTER 1016.

AN ACT to incorporate the Dry Ridge, Knoxville, and Demossville Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

<p>Corporators' names.</p>	<p>§ 1. That S. A. Theobald, Geo. Lemmon, J. N. Eckler, A. Brown, Henry Day, James Clark, Geo. H. Norton, R. H. Kinney, and John Landrum, of the county of Grant; and J. H. Johns, Lawson Race, Geo. Hume, B. J. Northcutt, E. Cram, Perry Smith, Albert Timpleman, Lewis Helnrich, Fred. Harber, Henry Sleeter, Obe. Daugherty, W. L. Bonan, Jesse Stith, and Festus Taylor, of the county of Pendleton, be, and they are hereby, created a body-politic, with such power as is hereinafter mentioned, and to be known as the Dry Ridge and Three Forks of Grassy Creek Turnpike Road Company; and they and their successors shall contract and be contracted with, sue and be sued, &c.; and for the purpose of raising means and money to enable them to build a turnpike road, from the intersection of the Broad Ridge road with the Covington and Lexington Turnpike Road, in Grant county; and running thence along or near said Broad Ridge road to the line between said Grant county and Pendleton county; thence continuing along or near the road leading to the Three Forks of Grassy creek, in said Pendleton county, it shall be lawful for them to levy and collect a tax of not exceeding one dollar on the one hundred dollars' worth of taxable property in any one year, and for as many years as may be necessary for the purposes aforesaid, in the following boundary, to-wit:</p>
<p>Name and style.</p>	
<p>May levy tax for road purposes on certain district.</p>	
<p>Boundary.</p>	<p>Beginning at a point in the Covington and Lexington pike, at the corner between the lands of Mrs. Indiana Anderson and the lands of Mrs. Mary Lawless; thence with the line between their lands a northeastwardly course to the first ravine; thence down said ravine an eastwardly course to Lawless' spring branch; thence down said branch to Arnold's Fork of Grassy creek in Henry Day's farm; thence continuing down the said Arnold's Fork (sometimes called the East Fork) to the junction of said fork with the Middle Fork of Grassy creek at or near the Three Forks; thence up the Middle Fork, passing James Mullins' water-mill, and continuing up said creek to the forks below Jonathan Winn's; thence up the left hand fork, or Theobald's Fork, to the mouth of Townsend; thence continuing up said Theobald's Fork, and between the lands of P. J. Renneckar and George Lemmon, and between the lands of said Renneckar and James Clark, and between the lands of S. A. Theobald and G. P. Renneckar, to the east line of the William Tucker, sr., deceased, tract (Combs' line); thence with</p>

1873.

said line southwardly to the first branch north of the Broad Ridge road, in William Tucker's, jr., deceased, land; thence up said branch a westwardly course to the aforesaid Covington and Lexington Turnpike Road, opposite the residence of C. D. Lewis; thence up said turnpike road as it meanders a southwardly course to the beginning: *Provided*, That a vote shall be taken at which all persons, in the above boundary, qualified to vote, shall have the privilege of voting for or against the tax; that is, those residing in the county of Grant will vote in Grant, and those living in the county of Pendleton will vote in Pendleton. Before such vote shall be taken not less than six printed posters shall be put up in as many public places in each county, signed by one or more of the incorporators of both counties, at least thirty days before the day of voting, giving the time and place of voting. It shall be the duty of the county judge of each county to appoint two judges, a sheriff, and a clerk of said elections; and if a majority of the votes cast in both counties is in favor of the tax, then the county judge of each county shall appoint some fit person to collect said tax, and he shall pay it over to the treasurer of said company. All taxes thus collected shall be capital stock in said road, and shall be transferable, &c. Instead of the county judge appointing the officers of election, the incorporators might have that power, if not inconsistent, and that the election could be held at one place in some central place in the above district. And instead of the county judge appointing persons to collect the tax, that the board do that, such persons giving bond, with good security, to the secretary of the board, for the faithful discharge of his duties, and that the board appoint an assessor for said district; and that instead of a tax of not exceeding one dollar on the one hundred dollars' worth of taxable property, it might, after an assessment of all the property in said district, and an estimate of the probable cost of the road, be divided into four or five yearly installments. That when two and a half miles on either end of the road is finished toll-gates may be erected, and collect half toll; and when the road is finished the same tolls may be collected as is now charged on the Covington and Lexington Turnpike Road.

Act to be submitted to people

Capital stock.

When toll-gate may be erected.

§ 2. This act shall be in force from and after its passage.

Approved April 22, 1873.

1873.

CHAPTER 1017.

AN ACT to increase the jurisdiction of justices of the peace in Ballard county, and to regulate appeals from their courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Jurisdiction is increased to \$100.

§ 1. That in civil actions and proceedings the courts of justices of the peace in Ballard county shall have jurisdiction for the recovery of money or personal property where the matter in controversy, exclusive of interest and cost, does not exceed one hundred dollars in value, and the pleadings therein may be oral; but before any summons is issued, the plaintiff shall file, as now required by section 827 of the Civil Code, the account or written contract or statement of the facts in which the actions or proceeding is founded; and appeals may be taken by either party to the court of common pleas or circuit court, when the amount in controversy is of the value of ten dollars or more, exclusive of interest and cost; but before summons shall be issued on a claim exceeding fifty dollars, a tax of fifty cents shall be paid to the justice, who shall report and account for the same as in cases of fines paid to a justice of the peace.

Where appeals to lie.

Tax to be paid in advance.

§ 2. This act shall take effect from its passage.

[Became a law without the Governor's signature, April 20, 1873.]

CHAPTER 1018.

AN ACT to repeal section seventeen of an act to incorporate the Chattaroi Railway Company, approved 11th March, 1873.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the seventeenth (17) section of an act, entitled "An act to incorporate the Chattaroi Railway Company," approved March 11th, 1873, be, and the same is hereby, repealed.

[Became a law without the Governor's signature, April 15, 1873.]

CHAPTER 1019.

AN ACT amending an act, entitled "An act to incorporate the Vanceburg, Quincy, and Springville Turnpike Road Company," approved February 18, 1869.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That sections second and third of said act is hereby repealed.

§ 2. That said road shall be built with the taxes and the county subscription. The tax shall be collected as directed by the original act for the year 1873, and every year thereafter, until said road is completed. The county court of Lewis county may, in addition to the one thousand dollars per mile subscribed to aid in building said road, subscribe two thousand dollars to said company, to be used in building a bridge across Kinnikinnick creek, where said bridge crosses said creek, and issue the bonds of Lewis county for that purpose, upon the same terms as bonds authorized to be issued by the fifth section of the act of which this is an amendment.

1873.

County court to
subscribe stock to
build certain
bridge.

§ 3. The county judge of Lewis county shall appoint a president and four directors for said road, two of which directors shall live above Kinnikinnick creek, and the other two below Kinnikinnick creek, and which president and directors shall hold their office for one year. The directors shall locate said road, and make a report of the location to the county court, which said court shall confirm unless excepted to; and in that case the court shall hear the same in the same manner as in the establishment of county roads. The president and directors shall be tax-payers on said road, and live within the taxable boundary. The compensation of said president and directors shall be fixed by the county court, and shall not exceed two dollars per day for the president, and one dollar per day each for the directors, to be paid out [of] the taxes collected to build said road. Before said officers shall be paid, they shall make out and swear to their accounts, and have the same allowed by the Lewis county court. The county court shall appoint an assessor to assess the property liable to tax to build said road, and his compensation shall not exceed ten cents for each list, to be allowed by the county court, and paid out of the taxes collected. The assessor shall return the assessment to the Lewis county court, on or before May 1st in each year. The county court shall appoint a treasurer for said company, who shall give a bond in the Lewis county court, with good surety, and shall hold his office for one year, and until his successor is appointed and qualified, and shall be paid one per cent. upon all taxes paid to him, as a compensation for receiving and paying out the same. All tax-payers may pay their taxes to said treasurer on or before the first day of November in each year; and all taxes not paid on or before that day shall be listed with the sheriff for collection, and said sheriff shall collect the same and ten per cent. upon the amount, and which ten per cent. he shall retain in full for collecting said taxes. The sheriff shall collect and pay over said taxes on or before the first day of January, after securing the same. The sheriff shall have the same

County judge to
appoint president
and directors, &
their term of office
and duties.

Compensation of
officers.

Officers to make
report.

Assessor and his
fees and duties.

Court to appoint
treasurer, who
shall give bond,
and his duties.

Sheriff to collect
taxes.

1873. power in collecting said taxes (and shall be liable for the same in the same manner, and upon his official bond given to collect the county levy) as he has in collecting the State revenue.

How funds to be used. § 4. All taxes collected for the year 1873 shall be used in building the road, commencing at Vanceburg; and as soon as two miles and one half of said road is completed, a toll-gate shall be established on said road, outside of the town limits of Vanceburg, and at or below Fairview, and shall collect one half toll. The taxes collected in 1874 shall be used in building the road from the Greenup line towards Vanceburg; and as soon as two miles and one half is completed a toll-gate shall be established on said road, and shall collect one half toll. The taxes collected shall be so expended each year until the entire road is completed; that is, the entire tax shall be expended the first year on the Vanceburg end of the road, and then on the Springville end the next year, and in that order till the entire road is completed.

§ 5. The county attorney shall see to the interest of the county in said road.

§ 6. If the taxes for 1873 shall not be sufficient to build two miles and one half of said road, then so much of the taxes to be collected in 1874, as may be necessary, shall be used for that purpose, and the county court shall make the necessary orders on the treasurer for the taxes to be collected in 1874.

§ 7. As soon as the road is completed the president and directors shall not receive any salary, but shall not pay any toll on said road while in office. Property taxed on another road shall not be taxed on this road.

§ 8. The president shall cause a survey to be made, to ascertain the land liable to taxation, to aid in building said road.

§ 9. This act shall take effect from and after its passage.

[Became a law without the Governor's signature, April 21, 1873.]

CHAPTER 1020.

AN ACT for the benefit of the tax-payers of Carter county.

WHEREAS, Jason Fields was sheriff of Carter county during the years 1860, 1861, 1862, 1863, and while sheriff of said county he left the same and joined the Confederate army; took the tax-books with him for said years; died, and said tax-books were lost. And many persons in said county paid their taxes for said years, but lost their receipts therefor during and since the war, and are again required to pay said taxes; for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1873.

§ 1. That whenever any person claiming to have paid their taxes in said county of Carter for either of the years 1860, 1861, 1862, 1863, and such persons can prove said payments, they may do so; and such proof, by affidavits or depositions, when satisfactory, shall exonerate said persons from again paying said taxes for said years. And the sheriff or party with whom said taxes are listed for collection shall take said proof, and give such parties receipts against said taxes, when proven to have been paid; and to the extent thus proven, the sheriff or tax collector shall have credit in his settlement with the proper court or person.

§ 2. This act shall take effect from its passage.

[Became a law without the Governor's signature, April 21, 1873.]

CHAPTER 1021.

AN ACT to amend an act, entitled "An act to incorporate the Vanceburg, Quick's Run, and Concord Turnpike Road Company," approved December 17, 1867.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That sections one, two, three, four, five, and six of said act are amended as follows: The said road shall be built by the taxes authorized to be collected, and the subscription to be made by the Lewis county court. The county court shall select a president and three directors for said road, who shall be tax-payers on said road, and live within the boundary liable to taxation; which president and directors shall locate said road, and may employ a competent engineer to assist them. The president shall receive not exceeding two dollars per day, and the directors one dollar per day each for the time they may be engaged in locating and superintending the building and construction of said road, their claims to be made out, sworn to, and allowed by the Lewis county court, and paid out of the taxes collected to build said road.

County court to appoint directors, &c.

Compensation of officers.

§ 2. The Lewis county court may, in addition to the one thousand dollars per mile subscribed to aid in building said road, subscribe to the stock of said road the sum of three thousand dollars, to be used in building a bridge across Salt Lick creek where said road crosses said creek; and said three thousand dollars shall be paid out of the five-cent bridge tax fund; and said bridge tax is pledged for that purpose until said three thousand dollars is paid; and said bridge tax for 1873, and every year hereafter until said three thousand dollars is paid, shall be used for that

County court to subscribe stock to build bridge.

1873. purpose; and the bonds issued for said three thousand dollars shall be paid out of said bridge tax, and if there is any surplus of said tax now on hand, the same shall be used in making up said sum of three thousand dollars, and the Lewis county court shall make such orders as may be necessary to have said money paid over to aid in building said bridge.

How taxes to be
expended.

§ 3. The taxes directed to be collected by the original act shall be collected for the year 1873, and every year thereafter until said road is completed. The president and directors of said road shall cause two miles and one half of said road to be built in the year 1873, commencing at Vanceburg, and shall use all the taxes collected in 1873 to build said two miles and one half, and the bridge across Salt Lick creek; and if the taxes of 1873 are insufficient for that purpose, then the taxes for 1874, and other years, shall be used till said bridge and two miles and one half are completed, and when completed, the said president and directors shall cause two miles and one half of said road to be built, commencing at Concord, and when said two miles and one half is completed, then the said president and directors shall cause two miles and one half of said road to be built on the Vanceburg end of said road, and so on in that manner until said road is completed.

§ 4. As soon as the bridge across Salt Lick creek is completed, and the two miles and one half of road built on the Vanceburg end of the road, then the president shall establish a toll-gate on said road, at the bridge across Salt Lick creek, and collect full toll for said two miles and one half.

County court
may increase sub-
scription.

§ 5. To assist in building bridges on the two miles of said road, commencing at Concord, the county court may subscribe one thousand dollars, in addition to the one thousand dollars per mile to the stock of said company, which sum of one thousand dollars shall be paid out of the five-cent. bridge fund in said county.

Sheriff to collect
taxes.

§ 6. All property liable to taxation for State revenue, within the boundary authorized to be taxed, shall pay tax as directed by the original act, to aid in building said road; and the tax-payers may pay their taxes to the treasurer of said road on or before November 1st of each year, and all taxes not paid on that day shall be listed with the sheriff for collection, who shall proceed to collect the same on or before January 1st thereafter, and pay same over to the treasurer of said road. The sheriff shall collect the taxes, and also ten per cent. on the amount from each person, and shall retain said ten per cent. in full for collecting and paying over said taxes.

§ 7. The president and directors of said road shall appoint an assessor, who shall be a tax-payer, on said road, to assess the property each year liable to taxation on said road, who shall return his books to the Lewis county court on or before May 1st, and shall be allowed not exceeding ten cents for each list taken by him, to be paid out of the taxes collected.

1873.

Board to appoint assessor and his compensation.

§ 8. The president and directors of said road shall appoint a treasurer for said company, who shall give a bond, with good surety, which bond shall be taken by the Lewis county court. Said treasurer shall hold his office for one year, and until his successor is appointed and qualified, and shall be allowed one per cent. upon all sums collected or paid to him, which shall be in full for his compensation.

Board to appoint treasurer, who shall give bond, and his compensation.

§ 9. No property liable to taxation on any other road shall be assessed for taxation on this road.

§ 10. The county attorney of Lewis county shall attend to the interest of the county in said road.

§ 11. When said road is completed the president and directors shall not receive any salary, but they shall not pay any toll on said road while in office.

§ 12. This act shall take effect from and after its passage.

[Became a law without the Governor's signature, April 22, 1873.]

CHAPTER 1023.

AN ACT for the benefit of common schools of Perry county.

WHEREAS, There is a contested election for the office of common school commissioner in the county of Perry; and whereas, the Perry county circuit court has issued an injunction upon the Superintendent of Public Instruction not to recognize the commissioner certified as elected by the clerk of the Perry county court, nor to pay him any moneys due the common schools of said county until the further order of said Perry county circuit court; and whereas, the teachers of Perry county are suffering on account of their pay being withheld in consequence of said injunction, and the interests of common schools are suffering thereby; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Superintendent of Public Instruction be authorized to appoint a commissioner to receive and disburse the money due Perry county common schools, and to transact all the other business pertaining thereto, until the contest for the office shall have been determined by litigation.

1873. § 2. That said appointed commissioner shall give bond for the faithful performance of the duties pertaining to the office, as required by article four, section four, of common school laws.

§ 3. That said appointed commissioner shall receive compensation for his services for the time he performs the duty of his office, in like manner and amount as provided for by article four, section twenty-three, and sections one and four, chapter 1530, of common school laws.

§ 4. This act shall take effect from its passage.

Approved April 22, 1873.

CHAPTER 1024.

AN ACT to amend an act, entitled "An act to amend the charter of the Clarksville and Princeton Railroad Company," approved March 25th, 1872.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That so much of the original act to incorporate the New Providence and Princeton Railroad Company, and the amendments thereto, as limits the said company to crossing the Tennessee State line at a point between the Clarksville and Christian County Turnpike and Noah's spring, be, and the same is hereby, repealed.

§ 2. That sections four and five of an act, entitled "An act to amend the charter of the Clarksville and Princeton Railroad Company," approved March 25th, 1872, be so amended as to authorize the clerk of the county court, or city council, or board of trustees, as the case may be, to subscribe, on behalf of said county, precinct, city or town, to the capital stock of said railroad company: *Provided*, A majority of those voting at any election there-in provided for shall be in favor of such subscription.

Road may build
branches.

§ 3. Said Clarksville and Princeton Railroad Company are hereby authorized to build branches from its main line of road, not to exceed twenty-five miles in length: *Provided*, Said company shall not build, nor engage in building, any branch, until twenty miles of the main line of its road shall have been completed; and shall not build, nor engage in building, any branch of greater length than six miles, until forty miles of the main line shall have been completed.

§ 4. This act shall take effect from and after its passage.

Approved April 23, 1873.

CHAPTER 1025.

1873.

AN ACT to repeal an act, entitled "An act authorizing E. H. Smith and others to close an alley in Williamstown, Grant county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act to authorize E. H. Smith and others to close an alley in Williamstown, Grant county," approved March 6th, 1867, be, and the same is hereby, repealed.

Approved April 23, 1873.

CHAPTER 1026.

AN ACT extending further time to the county of Boyle, in which to provide fire-proof vaults for county records.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the further time of two years be, and the same is hereby, allowed the county of Boyle, to provide the fire-proof vaults required by general law for the preservation of county records.

Approved April 23, 1873.

CHAPTER 1027.

AN ACT for the benefit of Trimble county in voting subscription of stock to railroads.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That in any future proposition to vote a subscription of stock for railroad purposes in the county of Trimble, no proposition shall be submitted during the time of construction of said railroad in the county of Trimble, and none but bona fide citizens of said county, for a period of twelve months previous to such subscription, shall vote; and no such subscription shall be made with less than a majority of all the qualified voters of said county.

§ 2. This act shall take effect from its passage.

Approved April 23, 1873.

1873.

CHAPTER 1028.

AN ACT to pay the expenses of D. R. Haggard, State agent sent to Missouri after Cutler and Taylor, charged with forgery.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is, directed to draw his warrant upon the treasury for two hundred and eighty-three dollars, in favor of D. R. Haggard, for money expended by him in the pursuit of Norman Cutler and John M. Taylor, of Missouri, charged with the crime of forgery.

§ 2. This act to take effect from its passage.

Approved April 23, 1873.

CHAPTER 1030.

AN ACT to amend an act, entitled "An act to amend the charter of the Elizabethtown and Paducah Railroad Company," approved February 28, 1873.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That nothing in the act, entitled "An act to amend the charter of the Elizabethtown and Paducah Railroad Company," approved February 28, 1873, shall be so construed as to prevent the construction of the branch road from Elizabethtown to Louisville.

§ 2. That this act shall take effect from its passage.

Approved April 23, 1873.

CHAPTER 1031.

AN ACT for the benefit of school district No. 21, in Carroll county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustees of school district No. 21, in Carroll county, are hereby authorized and empowered to make their reports of the school taught in said district for the school year ending June 30th, 1873, without swearing to the same; and that said report shall be received by the school commissioner for said county, and shall, in all respects, have the same effect, and be acted on by him in the same manner, as though it had been sworn to by the trustees of said district.

§ 2. That this act shall take effect from its passage.

Approved April 23, 1873.

CHAPTER 1032.

1873.

AN ACT to incorporate Confederate City, in Rowan county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That at the point and place now known as the Cross Roads, in Rowan county, there is hereby created a corporation, to be known and styled "Confederate City." The limits of said city shall be as follows: Beginning at and in the center of the Cross Roads, near Major J. M. Brain's hotel, and running in every direction, north, south, east, and west, one thousand yards from said point, which is the center of said city; which boundary, when surveyed as above, shall be squared so as to make said city two thousand yards square, with said Cross Roads in the center; but wherever the Licking river or Triplett creek are reached before the thousand yards have been obtained from the center, then said river and creek shall be the boundaries of said city.

Name and style.

Boundary.

§ 2. Major J. M. Brain, R. G. Scott, and John McAuespy are hereby appointed commissioners, who shall have power to lay off said city, and divide the same into convenient regular squares and lots, streets and alleys.

Commissioners to lay off town.

§ 3. The qualified voters within said boundary shall elect a mayor and three trustees on the first Monday in August, 1873, and on the same day every two years thereafter. No person shall be eligible to hold the office of mayor or trustee unless he be at least twenty-one years old, and a bona fide resident of said city. They shall hold their offices until their successors are elected and qualified.

Mayor and trustees to be elected, and qualifications

§ 4. Said mayor and trustees shall constitute the board of said city. They shall have power to tax retail dealers in whisky or drinks of any kind, stores, and groceries, not exceeding ten dollars in any one year. They may levy an ad valorem tax on the property, and a poll tax not exceeding two dollars on each voter in said city, to defray the current expenses of said city.

Powers of trustees.

§ 5. The mayor shall have the same penal and criminal jurisdiction as a magistrate.

Jurisdiction of mayor.

§ 6. The mayor and trustees may cause streets to be improved and pavements built at the expense of said city, each property-owner paying for pavements in front of his own property. They may require all males in said city, over sixteen years old, to work on the streets as overseers on public roads may require.

May require streets to be improved.

§ 7. This act shall take effect from its passage.

Approved April 23, 1873.

1873.

CHAPTER 1034.

AN ACT to exempt the counties of Estill and Lee from the provisions of section fourteen (14), chapter sixty-seven, of the Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the counties of Estill and Lee are hereby exempted from the provisions of section fourteen (14), chapter sixty-seven, of the Revised Statutes, in relation to mills.

§ 2. This act shall take effect from and after its passage.

Approved April 23, 1873.

CHAPTER 1035.

AN ACT to change and fix the times of holding the Estill county quarterly courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the quarterly courts of Estill county shall be held on the second Monday in February, May, August, and November, and continue at each term as long as the business may require it.

§ 2. This act shall take effect on the 15th day of May, 1873.

Approved April 23, 1873.

CHAPTER 1036.

AN ACT to prohibit the sale of spirituous, vinous, or malt liquors, or the mixture of either, in Jeffersontown precinct, in Jefferson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Unlawful to sell
liquors in said
precinct.

§ 1. That it shall be unlawful for the county court of Jefferson county, or any person, to grant a license to any person or persons to sell spirituous, vinous, or malt liquors, or the mixture of either, in Jeffersontown precinct, in a less quantity than a barrel.

Penalty.

§ 2. That any person or persons who shall sell, give, or loan any spirituous, vinous, or malt liquors, or the mixture of either, within the limits of Jeffersontown precinct, in Jefferson county, shall be fined not less than thirty dollars nor more than one hundred dollars, for every offense, which fine may be recovered in any court of competent jurisdiction: *Provided*, That druggists may sell for medical purposes upon the prescription of a regular practicing

physician: *And provided further*, That this act shall not apply to any license granted before its passage.

1873:

§ 3. That it shall be the duty of the county court of Jefferson county to cause a poll to be opened at the next regular August election, submitting to the qualified voters in Jeffersontown precinct the question of granting a license to sell spirituous liquors in said precinct; and if the majority of said voters shall vote against granting license, then the first and second sections of this act shall take effect. Said vote to be taken as at other elections.

Act to be submitted to people.

§ 4. This act shall take effect from its passage.

Approved April 23, 1873.

CHAPTER 1037.

AN ACT to amend an act, entitled "An act for the benefit of common school district No. 1, in Allen county."

WHEREAS, By an act approved on the — day of —, 1873, the white qualified voters in school district No. 1, in Allen county, were authorized to vote on a proposition to levy a tax for the purpose of erecting a school-house in said district, on the first Saturday in April, 1873; and no election having been held at the time indicated in said act, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustees of district No. 1, in Allen county, be, and they are hereby, authorized to hold the election contemplated in said act, at any time after giving twenty days' notice; and said election, when held, shall be as valid as if held in pursuance of the original act.

§ 2. This act ~~act~~ to take effect from its passage.

Approved April 23, 1873.

CHAPTER 1038.

AN ACT to incorporate the Danville Gas-Light Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That G. W. Welsh, P. H. Carrigan, Thos. Barbee, John A. Geary, A. McKee, P. H. Roach, Isaac Shelby, and William Stout, and their successors, be, and they are hereby, created a body-corporate and politic, by the name of the Danville Gas-light Company, for an indefinite period; and by that name shall have perpetual succession; and by that name may sue and be sued, plead and be impleaded, in all the courts of this Commonwealth;

Corporators' names.

Name and style.

Corporate powers.

1873. and by that name shall have power to contract and be contracted with; to have and use a common seal, to alter the same at pleasure; and to make all necessary by-laws and regulations for the government of the company, and the conduct of its business, not inconsistent with the Constitution and laws of this State and of the United States.

Business.

§ 2. That said company shall keep an office in the city of Danville; and its business shall be to construct and establish gas-works in the city of Danville, and to supply said city and its inhabitants with gas-light; and it may borrow money.

May acquire land for certain purposes.

§ 3. That said company may purchase and hold as much land as will be required for its office, and the residence of its officers, agents, and laborers, and for sites for its gas-works, and for suitable engine and other houses for their works; and said company may sell or exchange the same, and purchase again; and may hold such personal estate, machinery, &c., as will be necessary and convenient for the transactions and business of the company.

Limit for beginning operations.

§ 4. That it shall be the duty of said company, within three years after its organization, to erect and establish, in the city of Danville, a gas manufactory of sufficient extent and capacity to supply the city of Danville, and the citizens thereof, with all such public and private lights as may, from time to time, be required.

To have exclusive privilege to erect gas-works.

§ 5. That the company have the exclusive privilege of erecting, establishing, and constructing gas-works in the city during this charter, and of vending gas-lights.

Company may lay gas-mains, &c.

§ 6. That to enable the company to construct and establish gas-works in the city of Danville, it is authorized to lay down and extend pipes and conductors through any of the streets and alleys of the city, and for that purpose to take up the pavements, and to replace the same, and shall be responsible to the city for any damage which may arise therefrom, or any unreasonable delay in replacing the same; and said company shall be subject to the regulations of the city as to streets, and to the same ordinances and penalties that individuals may be subject to.

Books of subscription of stock may be opened.

§ 7. That the corporators aforesaid, or any three of them, shall be commissioners for opening books for the subscription of stock; and they, or any two of them, may advertise the time and place of opening the books in the city of Danville, and shall keep them open until not less than four hundred shares shall have been subscribed, when they shall be closed.

When company may organize, & duties of officers.

§ 8. That when ten thousand dollars (\$10,000) in stock shall have been subscribed, they shall advertise the same, and call a meeting of the stockholders, giving at least ten

days' notice; and the stockholders so called may elect six directors of said company, who shall choose a president from amongst themselves, to whom shall be intrusted the real and personal estate, business, property, funds, and financial concerns of said company, and the administration of its affairs. They shall serve until their successors are chosen, and after the first election they shall be annually elected on the first Monday of January in each year, of which notice shall be given for ten days in at least one newspaper printed in Danville. The president and directors shall fill all vacancies that may arise in their body from death, resignation, removal from the city, or the failure to meet their engagements to the company with promptness.

1873.

§ 9. That the subscription of stock in the Danville Gas Company, by individuals, companies, and corporations, shall be made on such conditions as to the time and manner of payment, and as to the surety which shall be given for the payment of the stock subscribed, which the commissioners may prescribe before the stock is taken: *Provided*, That the president and directors may, with the consent of the subscribers, change the conditions as to the time and manner of payment, and of security for the payment of stock, or of the installments thereof.

Terms of subscription to stock

§ 10. That if the whole stock shall not be subscribed before the commissioners close the books, it shall be in the power of the president and directors to sell the residue at such time and in such manner and on such terms as they may deem expedient: *Provided*, That they shall not sell it under par without the consent of the stockholders.

Books may be reopened.

§ 11. That the president and directors shall keep a record of their proceedings, which they shall produce to the stockholders at the regular or called meetings; they shall take bond, with good security, from the officers, and renew them from time to time as the by-laws shall direct.

Board to keep record

§ 12. That the capital stock of said company shall be forty thousand dollars, to be divided into shares of one hundred dollars each, and each share of stock shall entitle the owner to one vote.

Capital stock.

§ 13. That the directors shall allow to the president a reasonable compensation for his services; but no compensation shall be allowed to a director, except by order of the stockholders; and if any of the directors or the president shall knowingly diminish the capital stock by dividends or otherwise, they shall be responsible to the stockholders for the deficiency thus created.

Compensation of president.

§ 14. That the city of Danville shall have the right to subscribe any (or the whole) number of shares in said

Upon submission to people, city of Danville may take stock.

1873. company, and to pay for the amount so subscribed. The mayor and council shall have the power to issue the city bonds, to bear an interest of six per centum per annum, payable at such times as may be determined by said mayor and council: *Provided*, That such subscription shall not be made unless a majority of the legal voters of said city shall so determine after the matter has been submitted to a public vote.

§ 15. This act to take effect from its passage.

Approved April 23, 1873.

CHAPTER 1039.

AN ACT directing the Auditor to pay certain guards' claims in Powell county.

WHEREAS, At the September term, 1872, of the Powell circuit court, William P. Townsend was convicted of the offense of manslaughter, and sentenced to the penitentiary for the term of ten years; and the judge of said court being satisfied, from proof made in open court, that there was danger of said Townsend being rescued from the jail of said county, ordered a guard to guard said prisoner; and there being no statute authorizing the Auditor to allow pay to said guard, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, authorized and directed to draw his warrant upon the Treasurer for the payment of said guard, after having first been allowed by the circuit court of said county, and certified to the Auditor, as other like claims: *Provided*, however, That an amount shall not be allowed exceeding thirty-five dollars.

§ 2. This act to take effect from and after its passage.

Approved April 23, 1873.

CHAPTER 1040.

AN ACT to incorporate the Elizabethtown Building and Loan Association.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators'
names.

§ 1. That A. B. Montgomery, A. M. Brown, John Turner, James B. Slack, Hillery Bryant, Virgil Hewitt, C. Fraize, Mike Sweets, T. H. Gunter, R. H. Wintersmith, Turner Wilson, Frank Quiggins, W. M. Bell, Richard Larue, F. Roberts, A. H. Cunningham, H. G. V. Wintersmith, and J. Hotop, and their associates and successors, are hereby

created a body-politic and corporate, under the corporate name and style of the Elizabethtown Building and Loan Association; and in that name may sue and be sued, contract and be contracted with, plead and be impleaded, in all the courts of this Commonwealth and elsewhere; may have perpetual succession, and a common seal, and break and alter the same at pleasure; and may purchase, use, hold, and sell real and personal estate in and near Elizabethtown, Kentucky; issue stock not exceeding \$500,000; loan its funds at a rate of interest not exceeding ten per cent., and take mortgages and other securities therefor; and may sell and convey any and all property owned by said corporation.

1873.

Name and style.

Corporate powers.

§ 2. The business of this corporation shall embrace the buying, improving, and leasing and selling real estate in and near Elizabethtown, Kentucky; and in loaning the funds of the association, always giving the preference to its own members; but the association may, if the board of directors think proper, invest a part of the funds in establishing and conducting manufacturing establishments in or near Elizabethtown.

Business.

§ 3. The funds of this association shall be represented by stock, and each share of stock shall be \$200. No member shall at any time own more than twenty shares of unpaid stock; but any member may own any number of paid up shares of stock, and may pay for the same at any time in money, or by conveying to the association such real estate as the board of directors may decide to accept, at such valuation as the said board may fix upon said real estate; but no member shall have or cast more than (20) twenty votes at any election, or on any proposition, no matter how many shares of stock he may own.

Funds to be represented by stock

§ 4. Whenever the board of directors may think proper to do so, they may direct that any property belonging to the association shall be sold on such time and terms as the board may prescribe; and thereupon the secretary shall make known the day of sale, and the said property shall be sold to the highest and best bidder, at public auction, the preference being given to members of the association; and the member who purchases said property shall have credit on the purchase price thereof for all dues and moneys he may have heretofore paid to said association, with six (6) per cent. interest on the same from the time the same was so paid by him; and the balance of the purchase price, if any, shall be paid at such time and upon such terms as the rules of the association may require; and the association shall retain a lien on said property to secure the payment of such balance of the purchase money.

Powers of directors.

1873.

Fees and dues.

§ 5. Each member, when he becomes a member, shall pay to the secretary an initiation fee of not less than fifty cents nor more than one dollar, which shall create a fund to pay the expenses of the association; and each member shall, in addition, pay to the association twenty-five cents each week on each and every share of stock for which he may subscribe; and for each and every failure to make such weekly payment of dues the secretary shall charge such member with five cents for each and every such default, and these charges shall stand against such member and against the dues already paid in by him.

Stock to be personal property.

§ 6. The stock of this association shall be considered personal estate, and shall be transferable on the books of the association like bank stock: *Provided*, That if any member shall desire to withdraw before he has paid for his stock in full, his unpaid shares shall be sold to the highest bidder, after such member shall have given due notice of his desire to withdraw; and such withdrawing member shall be entitled to the proceeds of such sale after paying to the association such charges and assessments as may be made against him, and against his stock in such cases, all of which will be provided for by the by-laws.

Capital stock.

§ 7. The capital of this association shall never exceed \$500,000 and shall be employed only for the purposes expressed in this charter; and in all sales or leases of property and loans of money preference shall be given to the members of this association over persons who are not members; and all the profits made by the association, after paying the necessary expenses of conducting the same, shall belong to the stockholders in proportion to the amount of stock held by each member; and in case of dissolution, all the property shall be so divided.

When company may organize.

§ 8. The incorporators herein named, and such other persons as may have associated with them by signifying, in writing, their desire to subscribe for stock herein, may, at any time after the passage of this act, meet in the city of Elizabethtown for the purpose of organizing under this act, by electing officers and opening books for the subscription for stock. The officers elected shall be a president, vice president, treasurer, secretary, and a board of five (5) directors, all of whom shall be persons who have signified their desire, in writing, to take one or more shares of stock; but the directors shall not be eligible to the office of president, vice president, secretary, or treasurer. These officers shall perform the duties usually required of such officers, and shall hold their offices from the time of the first election until the first regular meeting of the association in January next, and until their successors are duly elected and qualified. The annual elections shall thereafter be held, and said offices filled

by the votes of a majority of the members present, at the first regular meeting of the association in January in each succeeding year. The secretary and treasurer shall each execute a bond, with sufficient surety, to be approved by the president and board of directors, conditioned for the faithful discharge of all their official duties. No money shall be drawn from the treasurer except by order of the board of directors.

1873.

Secretary and treasurer to give bond.

§ 9. The board of directors may employ such attorneys and agents to act for the association as in their judgment the business may require, and may fix the compensation for the services performed.

Board may employ attorneys.

§ 10. The association at its regular meetings may, from time to time, enact and enforce such regulations and by-laws as the business, in their judgment, may require, not inconsistent with this charter, nor with the Constitution or laws of the United States or of the State of Kentucky.

May make by-laws, &c.

§ 11. The board of directors may regulate the time and place of holding the meetings of this association in Elizabethtown, Kentucky.

Board to regulate meetings.

§ 12. Either officers or members may be impeached, tried, and expelled by such proceedings as may be provided by the by-laws for any immoral or improper conduct. Nothing in this act shall be construed as authorizing said company to loan, sell, or otherwise dispose of any money, directly or indirectly, at a greater rate of interest than ten per cent. per annum.

§ 13. This act shall be in force from its passage.

Approved April 23, 1873.

CHAPTER 1041.

AN ACT to authorize the clerk of the Allen circuit court to make a cross-index to suits and causes on file in said office.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the clerk of the Allen circuit court be, and he is hereby, authorized and directed to make a complete and thorough cross-index to all the suits and causes on file in the office of the clerk of the Allen circuit court, both law and equity, and he shall hereafter enter upon said cross-index all new suits and petitions which may be filed in said office.

Circuit clerk to make cross-index to suits, &c.

§ 2. When said index shall have been completed, the same shall be examined by the judge of the Allen circuit court; and if the same is approved by him, he shall so certify to the Allen county court, and state in his certificate the value thereof; and said Allen county court shall,

Compensation of clerk for said service.

1873. at its next court of claims, allow the same to be paid out of the county levy of said county.

§ 3. This act to take effect from and after its passage.

Approved April 23, 1873.

CHAPTER 1042.

AN ACT for the benefit of C. M. Hanks, jailer of Wolfe county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That from and after the passage of this act, it shall be legal for C. M. Hanks, jailer of Wolfe county, to reside over two hundred yards from the jail of said county, but not exceeding four hundred yards from said jail.

§ 2. This act shall take effect from its passage.

Approved April 23, 1873.

CHAPTER 1043.

AN ACT to provide for the compensation of E. I. Bullock, G. W. Craddock, and J. M. Nesbitt, for services before the Joint Committee on the Revision of the Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts is authorized and directed to draw his warrant on the Treasurer in favor of E. I. Bullock, G. W. Craddock, and J. M. Nesbitt, commissioners to revise the statutes, for ten dollars per day each for the number of days they were actually in attendance before the joint committee of the two Houses during the sitting of said committee at the present session of the General Assembly.

§ 2. Before either of the commissioners mentioned in the foregoing section shall be entitled to the warrant provided for in said section, he shall file an affidavit with the Auditor, stating the number of days he was actually in attendance before the said joint committee.

§ 3. This act shall take effect on its passage.

Approved April 23, 1873.

CHAPTER 1044.

1873.

AN ACT to repeal an act, entitled "An act to legalize the proceedings of the president and directors of the Danville and Hustonville Turnpike Road Company," approved April 16, 1873.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That an act, entitled "An act to legalize the proceedings of the president and directors of the Danville and Hustonville Turnpike Road Company," approved April 16, 1873, be, and the same is hereby, repealed.

Approved April 23, 1873.

CHAPTER 1046.

AN ACT to amend an act, entitled "An act to incorporate the town of Williamsburg, in Whitley county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the town of Williamsburg, in Whitley county," be so amended that the chairman of the board of trustees of said town shall have exclusive jurisdiction of all penal offenses committed within the corporate limits of said town, except such offenses as may be prosecuted in the circuit court of said county.

Chairman of board to have jurisdiction of penal offenses.

§ 2. That the said chairman of the board of trustees of said town shall also have concurrent jurisdiction in the examination of all felonies committed in said county.

§ 3. This act shall take effect from its passage.

Approved April 23, 1873.

CHAPTER 1047.

AN ACT to amend the charter of the South Kentucky Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the South Kentucky Railroad Company may construct their railroad from the city of Henderson into or through the county of McCracken, or any other county west of the Tennessee river, and to any point in or near the line of the State of Tennessee.

§ 2. The board of directors of the South Kentucky Railroad Company shall have power to elect a vice president of said company, either from among themselves or other stockholders, and to prescribe his duties, and allow him reasonable compensation for his services.

1873. § 3. The said South Kentucky Railroad Company shall have power to build, own, and operate a line of telegraph along the route of their said railroad.

§ 4. This act shall take effect from its passage.

Approved April 23, 1873.

CHAPTER 1048.

AN ACT to incorporate the Grand Lodge of the American Protestant Association of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators'
names

Name and style.

Corporate pow-
ers.

§ 1. That William Gobel, Fred. Tieke, and A. Delling, with their associates and successors, shall be, and are hereby, constituted a body corporate and politic, to be known by the name of "Grand Lodge of the American Protestant Association of Kentucky."

§ 2. Said corporation shall by that name have perpetual succession, and shall have power to make a common seal, and to alter or change the same at pleasure; may contract and be contracted with, sue and be sued, plead and be impleaded, before any court of judication in this Commonwealth having jurisdiction in like sums; to take and hold, by gift, grant, or devise, any estate, whether real, personal, or mixed, with full and ample power to sell and convey said estate, or any part thereof, for the use and benefit of said lodge, and execute by their presiding officer appropriate deeds therefor; to establish by-laws, and make all rules and regulations deemed expedient for the management of their affairs, not inconsistent with the constitution or laws of this State or of the United States.

§ 3. That the aforesaid corporation shall have full power and authority to charter and establish within this State such subordinate lodges, with the same rights, powers, and privileges, as may be required in carrying out its benevolent purposes. Such subordinate lodges, however, are to be under the surveillance and control of the above named corporation, and are to enjoy no rights and privileges not herein conferred upon it.

§ 4. This act shall take effect from and after its passage.

Approved April 23, 1873.

CHAPTER 1049.

1873.

AN ACT for the benefit of the town of Clinton.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustees of said town shall have full and complete control of the sidewalks therein, with power to compel property-holders, owning real estate fronting on any street along which it shall be necessary or proper to construct a sidewalk, to construct and keep in repair so much of the same as shall lie in front of their said realty.

Trustees may order streets improved.

§ 2. That said trustees shall have the right to open new streets in said town leading from the public square to the depot on the Mississippi Central Railroad, by and with the consent of the owners of real property across which such new streets may run; and in exchange for the land taken for this purpose they may transfer to said owners such streets as can be properly closed by reason of the new ones being opened, or they may contract with the owners for so much land as may be necessary to enable them to open said new streets, and pay for it out of any funds in their hands belonging to said town.

May open new streets.

§ 3. It shall be the duty of [the] trustees, upon the request of any two owners of real property situate within said town, to take the necessary steps to have opened any alley or street now in the possession of any private individual.

May, on petition, cause new alleys and streets to be opened through private property.

§ 5. The streets of said town shall be kept in repair in the mode now prescribed by law.

§ 6. This act shall take effect and be in force from its passage.

Approved April 23, 1873.

CHAPTER 1050.

AN ACT for the benefit of John Gibbs, of Wolfe county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of fifty dollars is hereby appropriated, out of any money in the treasury not otherwise appropriated, to John Gibbs, as a committee for William Gibbs, an idiot, of Wolfe county, in addition to what he has heretofore been allowed by law, and the Auditor of Public Accounts is directed to draw his warrant on the Treasurer in favor of said John Gibbs, for the said sum of fifty dollars.

§ 2. This act shall take effect from its passage.

Approved April 23, 1873.

1873.

CHAPTER 1054.

AN ACT for the benefit of John F. King, sheriff of Knox county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the 20 per cent. damages assessed against John F. King, sheriff of Knox county, on the revenue due from said county for the year 1871, be, and said damages are hereby, released, and said King shall not be held to pay the same: *Provided*, Said sheriff shall pay by the 1st day of June, 1873, the principal, interest, costs, five per cent. damages, Attorney General's commissions, and lawyer's fees, if any.

§ 2. That said King shall have a credit on the revenue due from said county for the year 1872 for his delinquent list for the year 1871.

§ 3. This act shall take effect from its passage.

Approved April 23, 1873.

CHAPTER 1055.

AN ACT to provide for the education of colored children in Garrard county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Commissioner to lay off districts for colored schools.

§ 1. That the county commissioner of common schools in Garrard county be, and he is hereby, directed to lay off said county into suitable districts most convenient to the greatest number of colored children, so that no district shall contain more than one hundred nor less than twenty colored children of pupil age: *Provided*, That the town of Lancaster shall not be laid off into more than one district.

Colored trustees to be elected.

§ 2. That after said school districts shall have been laid off as provided for in the first section of this act, it shall be the duty of the school commissioner to cause an election to be held to elect three colored trustees, who shall be elected by the qualified colored voters of each district, which election shall be held and conducted according to the present common school law.

Trustees to cause school-houses to be erected.

§ 3. The trustees shall have the power to provide a suitable school-house, cause a school to be taught in their respective districts for the benefit of the colored children therein, and shall notify their parents that it is their privilege to send their children to said school free of charge. They shall also report to the school commissioner the length of time said school was taught.

May acquire lands to locate school-houses on.

§ 4. The trustees of any said school district in said county are hereby invested with the power to purchase, for the use of said district school, so much land of any

person or persons as is deemed by them necessary to the use of the school in said district, provided that not more than one acre of land shall be purchased for any one school district: *Provided*, That no school-house provided for under this act shall be located nearer than half a mile of any school-house erected and used for white children, except in any town within said county, and in those not nearer than eight hundred feet.

1873.

§ 5. That there shall be collected the sum of twenty cents on each one hundred dollars' worth of property listed for taxation for revenue purposes by all colored persons within said county, and a poll tax of one dollar shall be levied on every colored male citizen, between the ages of eighteen and sixty years, in said county, which shall be assessed and collected as other taxes, and paid to the county commissioner of common schools, who shall be responsible on his bond for the custody and proper disbursement thereof. The fund arising from the taxation above provided for shall be appropriated in the said county, and shall not be used for any other purpose than erection of school-houses, paying for land to build on as provided for in the fourth section of this act, and the payment of qualified teachers, who shall teach said schools.

Tax to be levied for school purposes.

Commissioner to receive and disburse funds.

§ 6. The sheriff of said county shall be allowed five per cent. of the taxes collected and paid to the school commissioner of said county for the use and benefit of schools for the education of colored children.

Fees of sheriff for collecting taxes.

§ 7. The sheriff shall appropriate the taxes, or any part thereof, collected from any colored citizen, to whatever fund said colored citizen may designate, in all cases where he is not able to pay the entire tax assessed against him for State, county, school, and municipal purposes.

§ 8. No person shall be deemed qualified to teach under this act until he or she has obtained a certificate from the commissioner, testifying that he or she is qualified to teach the simple elements of a plain English education.

Qualifications of teachers.

§ 9. The county commissioner of common schools in said county may be allowed such compensation for his services under this act as the court of claims of said county may allow.

Compensation of commissioner.

§ 10. It shall be the duty of the school commissioner of said county to pay to the teachers of any district school such an amount of money as may be due said district, according to the number of children therein.

§ 11. This act shall take effect from its passage.

Approved April 23, 1873.

1873.

CHAPTER 1056.

AN ACT for the benefit of R. B. Lovel, late sheriff of Lewis county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That R. B. Lovel, late sheriff of Lewis county, be released from the payment of \$156 65, being the five per cent. assessed against him under act March 22, 1871, by the Auditor, on non-payment of the revenue for the year 1871 : said Lovel having paid into the Treasury the full amount of the revenue due the State from him for the year 1871.

§ 2. This act shall take effect from and after its passage.

Approved April 23, 1873.

CHAPTER 1057.

AN ACT for the benefit of school district No. 38, in Henry county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That it shall be lawful for the trustees of school district No. 38, in Henry county, to use the public school funds belonging to their district for the purpose of building a school-house in said district, upon the report of the school commissioner that they have had taught a free school for all indigent children in said district according to law, and that the teacher has been paid by said trustees for teaching said school according to the common school law of this State.

§ 2. This act shall take effect from its passage.

Approved April 23, 1873.

CHAPTER 1058.

AN ACT for the benefit of Mrs. Margaret Decker.

WHEREAS, Mrs. Margaret Decker, wife of B. F. Decker, of Kenton county, has been confined for the past ten years and more as a pay patient in the Eastern Lunatic Asylum at Lexington, in this Commonwealth, during which time her husband has paid to said institution, for attendance to and care for her therein, the sum of over and above three thousand dollars ; and the said Margaret is an incurable lunatic ; and whereas, it has been represented to the General Assembly that said B. F. Decker, husband of the said Margaret, was until recently engaged

in laborious and remunerative business, and owned a considerable amount of property; but has latterly become so much debilitated by chronic disease as to unfit him for work and labor; and has also lost the most of his property, a considerable portion of which was sold to pay for the care as aforesaid, of his wife, the said Margaret, and is now in straitened circumstances; and the said B. F. Decker having also a large family, the children of himself and said Margaret, most of whom are minors, to support; therefore,

1873.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That from and after the first day of April, 1873, the said Margaret Decker be kept and cared for in the said Eastern Lunatic Asylum, so long as she may remain a lunatic, at the expense of the State.

§ 2. This act shall take effect from and after its passage.

Approved April 23, 1873.

CHAPTER 1059.

AN ACT for the benefit of H. B. Wiseman, former sheriff of Estill county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That further time, until the next court of claims of Estill county, be, and the same is hereby, allowed H. B. Wiseman, former sheriff of Estill county, to make out and return an additional delinquent list of revenue and county levy for the year 1872; and the Auditor of Public Accounts is hereby directed to draw his warrant in favor of said Wiseman for the amount of delinquent revenue property certified to him by the Estill county court, to be paid out of any money in the Treasury not otherwise appropriated.

§ 2. This act shall take effect from its passage.

Approved April 23, 1873.

CHAPTER 1060.

AN ACT for the benefit of J. N. Culton, late sheriff of Jackson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That J. N. Culton, late sheriff of Jackson county, be, and he is hereby, allowed until the first day of July, 1873, to pay into the Treasury the remainder of his unpaid revenue for the year 1872.

1873. § 2. *Provided, however,* That said Culton shall pay the damage and interest as now imposed by law on delinquent sheriffs.

§ 3. That before this act shall take effect, the sureties of said Culton shall give their assent to said extension, which assent shall be recorded in the Jackson county court, and certified to the Auditor.

§ 4. This act shall take effect when the above provisions are complied with.

Approved April 23, 1873.

CHAPTER 1061.

AN ACT for the benefit of the Bank of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful hereafter for the Bank of Louisville to reserve out of its earnings, as a contingent fund, a sum equal to ten per cent. of its capital.

§ 2. It shall be lawful for said bank to place its capital, or any part thereof, in a branch or branches, to be located at any place in this State, or to buy up the stock and reduce the capital of the bank as may be deemed best for the stockholders.

§ 3. This act shall take effect from its passage.

Approved April 23, 1873.

CHAPTER 1062.

AN ACT to further amend an act, entitled "An act for the benefit of the estate of Thomas H. Crawford, deceased," approved January 13th, 1872.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act for the benefit of the estate of Thomas H. Crawford, deceased," approved January 13th, 1872, be, and the same is hereby, further amended, so as to confer upon the Louisville chancery court full and complete jurisdiction over all matters wherein the estate of said decedent may be interested, directly or indirectly, whether the same may have arisen in the county of Jefferson or in any other county of this State.

§ 2. This act shall have and take effect from its passage.

Approved April 23, 1873.

CHAPTER 1063.

1873.

AN ACT for the benefit of John J. Macklin, late sheriff of Kenton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the State Auditor be, and is hereby, instructed to draw his warrant on the State Treasurer in favor of John J. Macklin, late sheriff of Kenton county, for the sum of forty-seven dollars and seventy-five cents (\$47 75), the same being the amount due said Macklin for services rendered in conducting sundry insolvent witnesses under attachment of Commonwealth from the city of Covington to the city of Lexington, in the case of Commonwealth vs. Henry Smith, and for incidental expenses incurred in connection with the same.

§ 2. This act shall take effect from and after its passage.

Approved April 23, 1873.

CHAPTER 1064.

AN ACT authorizing the county court of claims of Fleming county to carry into effect the bequest of J. J. Andrews, deceased, to the poor of Fleming county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the county court of claims of Fleming county is hereby empowered and authorized to take charge of, control, loan, collect, invest and re-invest, any and all funds heretofore devised or bequeathed to the poor of Fleming county, by James J. Andrews, deceased, late of said county; and the interest on said fund shall be annually applied to and for the benefit of the poor of said county, and the principal thereof preserved. When said fund is loaned said court shall take good security therefor; the notes taken, and all other acts in relation to said fund, shall be taken and done in the name of "the county court of Fleming county." They are empowered to sue for and collect said fund from any and all persons who may have received or borrowed said fund from said county court, or any executor [or] administrator of said J. J. Andrews, or agent of said court, or through or by its authority came to the possession thereof.

County court to take charge of & invest said bequest, and use interest only for relief of poor.

§ 2. This act shall take effect from its passage.

Approved April 23, 1873.

1873.

CHAPTER 1065.

AN ACT to incorporate the Mt. Sterling and Carter County Mining and Manufacturing Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators' names.

Corporate powers.

Name and style.

Officers and their duties.

§ 1. That Jas. D. Hazelrigg, Wm. Mitchell, Dr. John A. Hannah, Lewis DeBard, James Turley, and such others as they may associate with them, are hereby created and made a corporation of this State, with power to acquire coal, iron, and timber lands not exceeding 30,000 acres, and to erect saw-mills and furnaces thereon, and to manufacture and transport to market pig-iron, blooms, and other iron, lumber, dressed and undressed, and to mine and transport and sell coal and iron ore, and for that purpose are made a corporation, under the name and style named in the title of this act; and may sue and be sued in their corporate name, and have a common seal, and all other powers necessary to enable them to manufacture iron and timber, and to mine coal and transport the same to market, and to do all other acts to enable them to carry out the purposes of the company as herein expressed.

§ 2. The officers of said company shall consist of a president and four directors, a secretary and treasurer; and the president and four directors shall control the affairs of said company, and shall keep a company book; and three directors and the president shall constitute a quorum to transact business. The shares of stock in said company shall be of such denomination as they shall by order on their books designate; and the officers shall be elected by the shareholders at a meeting of same, which shall be called by public notice in a newspaper published in Mt. Sterling, or by written notices to the shareholders; and at said election each shareholder shall have one vote for each share of stock held by him or her. The officers shall be elected for two (2) years, and until their successors are elected and qualified; and the corporators named may, by such notice so published, call a meeting of those interested, at any time within three years, for the purpose of electing officers and organizing under this charter. And the treasurer of said company shall give bond and security for the faithful discharge of his duties, in any sum required by said board by order on their books. And said company shall have the power and right to build rail or tram-roads over their lands and over the lands of others, so as to connect their lands, mills, furnaces, and manufactories with the Elizabethtown, Lexington, and Big Sandy Railroad, or with any others that may be built in the vicinity of same; the right of way over the lands of other parties for that purpose, which right of way over the lands of others may be acquired by contract, pur-

chase, or agreement with the owners and proprietors of the lands over which they propose to construct such railroad and tram-road ; but shall have no right to build such roads and tram-ways until they have paid to the owners of said lands the sums agreed upon. 1873.

§ 3. No stockholder shall be liable for the debts contracted by said company, except to the extent of the stock taken and paid into said company. No individual liability of stockholders.

§ 4. This act shall take effect from and after its passage.

Approved April 23, 1873.

CHAPTER 1066.

AN ACT to legalize the action of the Greenup county court of levy and claims.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the proceedings had in the Greenup county court of levy and claims, at the November term thereof for the year 1872, whereby said court allowed the sheriff, of said county a compensation of eight per cent. for collecting public revenue, be, and the same is hereby, legalized and validated.

§ 2. This act shall take effect from its passage.

Approved April 23, 1873.

CHAPTER 1068.

AN ACT to amend an act, entitled "An act to incorporate the Marion County Agricultural, Mechanical, and Stock Association," approved January 16, 1868.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That any person who shall set up any huckster's stand, or sell or expose for sale any victuals or refreshments of any kind, nearer to the fair grounds occupied by said association than the corporate limits of the town of Lebanon, and while said association shall be holding any fair, without having first obtained the consent of said association so to do, shall be deemed guilty of a misdemeanor, and for every such offense of which he shall be convicted shall be fined not less than fifty nor more than one hundred dollars. Penalty for illegal acts on the grounds of the association.

1873. § 2. The police judge of the town of Lebanon shall have jurisdiction to hear and determine all cases arising under the foregoing section, subject to the right of any person convicted of a violation thereof to appeal from the judgment of said judge to the circuit court; and all fines or forfeitures arising from violations of said section shall inure to the benefit of, and when collected shall be paid over to, said association.

§ 3. This act shall take effect and be in force from and after its passage.

Approved April 23, 1873.

CHAPTER 1069.

AN ACT for the benefit of Joseph Durban, of Lee county.

WHEREAS, Joseph Durban was elected jailer of Lee county, and is now the jailer of said county, but lives more than two hundred yards from the jail of said county; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Joseph Durban shall be allowed to exercise the office of jailer of Lee county without having his residence or residing within the prescribed limit, as now required by law.

§ 2. This act shall take effect from its passage.

Approved April 23, 1873.

CHAPTER 1070.

AN ACT for the benefit of the judge of the Warren court of common pleas.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the presiding judge of the Warren court of common pleas shall have the right to practice law in any of the courts in this Commonwealth, except the court of common pleas for Warren county.

§ 2. This act shall not be repealed by any general statute, except the same shall be especially named therein.

§ 3. This act shall take effect from its passage.

Approved April 23, 1873.

CHAPTER 1071.

1873.

AN ACT to amend an act, entitled "An act to incorporate Greensburg Deposit Bank," approved March 18th, 1872.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act to incorporate Greensburg Deposit Bank," approved March the 18th, 1872, be, and the same is hereby, amended so as to give the incorporators named therein until the 1st of January, 1875, to organize and commence their business, as authorized by the provisions of the charter to which this is an amendment; and so much of the tenth section of said charter as is in conflict with this act, is hereby repealed.

§ 2. This act shall be in force from its passage.

Approved April 23, 1873.

CHAPTER 1072.

AN ACT for the benefit of common school district No. 1, in Pendleton county.

WHEREAS, It is represented that common school district No. 1, in Pendleton county, Kentucky, is indebted on account of their public or common school-house in the sum of about five hundred dollars, including principal and interest; now, therefore, to enable said district to discharge their said indebtedness,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the acting trustees of common school district No. 1, in Pendleton [county], be, and they are hereby, authorized and empowered to levy and collect a tax, not exceeding two cents on the one hundred dollars' worth of real and personal property in said district, as shown by the assessor's book of said county, from year to year, until said indebtedness shall be fully liquidated.

May levy tax for school purposes.

§ 2. Said trustees are hereby authorized to appoint a collector of said taxes, who shall have, in the collection of said taxes, the same rights and powers as the sheriff has in the collection of the county levy, to levy upon property, distrain, &c.; and who, for his services, shall be allowed by said trustees a liberal compensation, not to exceed five per cent. on amount collected.

Trustees to appoint collector.

§ 3. Said collector to be appointed the first Saturday in May of each year, to give good bond, and report his actions by the 1st September in each year, and pay over all moneys in his hands at that time.

Collector to give bond.

§ 4. *Provided*, Nothing in this act shall be so construed as to allow any person or persons of color to vote: *And*

1873. *provided further*, That no property belonging to persons of color shall be the subject-matter of taxation under the provisions of this bill.

§ 5. This act shall take effect from and after its passage.

Approved April 23, 1873.

CHAPTER 1073.

AN ACT to amend an act, entitled "An act to empower county courts to take stock in turnpike roads in this Commonwealth," approved March 9, 1868.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to empower county courts to take stock in turnpike roads in this Commonwealth," approved March 9th, 1868, be and the same is hereby, so amended as to apply to the county of Todd.

§ 2. This act shall take effect and be in force from its passage.

Approved April 23, 1873.

CHAPTER 1074.

AN ACT to appropriate money for the payment of a claim due Henry Dressman, of Kenton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts shall draw his warrant upon the Treasurer in favor of Henry Dressman, for the sum of sixty-eight dollars and ninety-three cents (\$68 93), to pay for the improvement of Burnett street, in front of a lot owned by the State in the city of Covington: *Provided*, That the Auditor shall be satisfied of the justice of the claim from the vouchers filed.

§ 2. That this act shall take effect from and after its passage.

Approved April 23, 1873.

CHAPTER 1075.

1873.

AN ACT to authorize the making of an abstract-book for the counties of Kenton and Boone.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. A. C. Ellis and Milton Hamilton are hereby authorized to make a book containing an abstract of titles to all real estate in the counties of Kenton and Boone ; and for the purpose of carrying into effect the object of this act, they are to be allowed free access to all the public records of said counties.

Abstract books to be made.

§ 2. The said Ellis and Hamilton are hereby authorized to charge and collect a fee of not more than twenty-five dollars for each abstract of title furnished by them to any person who shall apply for the same.

Fees of commissioners.

§ 3. Said abstract-book shall be the private property of the said Ellis and Hamilton ; and the rights and franchises herein granted shall continue for twenty years.

§ 4. This act shall take effect from its passage.

Approved April 23, 1873.

CHAPTER 1076.

AN ACT to incorporate the Frankfort True Friend Society.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That Silas Pitman, John Chambers, Nelson Dickinson, George Pitman, Martin Boyd, Robert Parent, and Peter Minter, and their associates and successors, are hereby created a body-corporate and politic, in and under the name of the Frankfort True Friend Society ; and by such corporate name may sue and be sued, in all the courts of this Commonwealth, and may contract and be contracted with, in regard to the objects of this society ; have and use a common seal, and have perpetual succession.

Corporators' names.

Name and style.

§ 2. The object of this society shall be to render aid to the needy members thereof while living, and to provide decent burial for such members as may die, and also to provide for the support and education of the children of deceased members.

Object.

§ 3. The members of this society shall be composed of colored male persons between the ages of eighteen and seventy years.

Qualifications of members.

§ 4. The society may make rules and by-laws regulating the amount of initiation fees to be charged to persons on becoming members of the society, and the amount of

Society may make by-laws, &c.

1873. monthly dues to be paid to the society by each member, as well as the amount per week to be paid by the society to each member in good standing who may be sick for a period of not less than one week's duration; but the initiation fee shall never be less than two dollars nor more than five dollars; and the monthly dues to be paid by each member shall never be less than fifty cents per month nor more than three dollars per month; and the amount paid by the society to each sick member shall never be less than one dollar nor more than five dollars per week.

Regulations as to membership.

§ 5. Every application for membership shall be voted on at a regular meeting, and the application shall in every case be accompanied by the amount of the initiation fee; and if there are ten votes against the applicant, his application shall be declared rejected, and the money returned to the applicant.

Meetings.

§ 6. This society shall hold its regular meetings monthly, but the president may order called meetings at any time.

Officers—their term of office and duties.

§ 7. The officers of this society shall consist of a president, vice president, secretary, and treasurer, who shall be elected by a majority vote of the members present at the first meeting after [the] passage of this act, and shall hold their offices for one year, and until their successors shall have been elected and qualified, and shall perform the duties usually discharged by such officers; all of which duties shall be performed without pay, excepting that the secretary shall receive such pay as may be fixed by the by-laws.

How funds to be used.

§ 8. All funds paid to this society shall be faithfully applied to the objects herein mentioned, in such manner as the society, from time to time, may determine at its regular meetings. No part of the funds shall be loaned out, but the whole thereof shall be kept constantly on hand for the charitable uses of the society, and for the payment of dues to sick members.

Treasurer to give bond.

§ 9. Before entering upon the duties of his office the treasurer shall execute bond, with one or more sufficient sureties, to be approved by the president, conditioned for the faithful discharge of all the duties of treasurer; and the treasurer shall receive all moneys of the society, and receipt to the secretary therefor, and shall pay out no money except upon the written order of the society, and he shall report to the society all moneys received and disbursed at the end of every six months.

May issue bonds and secure same by lien.

§ 10. This society, by a majority vote at its regular monthly meetings, may make all needful rules, by-laws and regulations, not inconsistent with the Constitution and laws of the United States or of this State.

§ 11. This society shall have the power to issue and sell the bonds of the society for any sum not exceeding five

thousand dollars, which bonds shall be one hundred dollars each, and shall bear interest at not exceeding eight per cent., and be payable ten years from date, which bonds shall not be sold for less than par; and the funds arising from the sale of such bonds shall be used for the same purpose as the other moneys of the society, and all the property of said society shall be held in lien for the redemption and payment of said bonds.

1873.

§ 12. This act to take effect from and after its passage.

Approved April 23, 1873.

CHAPTER 1077.

AN ACT to provide for the transfer of certain cases from the Graves circuit court to the McCracken court of common pleas.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all cases now on the docket of the Graves circuit court, or which may hereafter be brought in said court, in which the judge of said court for any reason or cause can not properly preside, shall be transferred, at the instance of either party, to the McCracken court of common pleas, unless there can be a duly qualified *pro tem.* judge of the Graves circuit court selected from the lawyers then in attendance at the Graves circuit court, to try such cases severally, or unless the parties can agree on such a judge; and if the judge so selected or agreed on can not or will not try the cause, then either party shall have the right to demand a transfer of said cause or causes.

For what causes cases may be transferred.

§ 2. The clerk of the McCracken circuit and common pleas court shall place such transferred cases at their proper places on the docket of said court, according to the date of their reception; and the said McCracken court of common pleas shall have as full power, right, and jurisdiction of such transferred causes, in every particular, as the Graves circuit court would have if they were pending therein, and shall have the right to make all preparatory orders or other orders as though said suits had commenced in said common pleas court.

Duties of clerks under transfers.

§ 3. This act shall take effect from its passage.

Approved April 23, 1873.

1873.

CHAPTER 1078.

AN ACT to amend the charter of the city of Covington.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Council may order ponds, &c., drained or filled up.

§ 1. That the city council shall have power to cause any lot or lots of land within the city limits on which, or a part of which, water shall at any time become stagnant, to be raised, filled up, or drained, and to cause all putrid substances, whether animal or vegetable, to be removed from any lot or lots; and may, for such purposes, from time to time, direct that such lot or lots be raised, filled up, or drained, or that such putrid substances be removed from such lot or lots by the owner or owners thereof, respectively, in such reasonable time and in such manner as may be directed by the said council; and it shall be the duty of such owner or owners, his or her agent or attorney, after service of a copy of such order, or after the publication of the same in some newspaper of general circulation in said city, for two weeks, to do so, within the time therein specified; and in case of a failure or refusal to do so it may be done by the city at the cost of the owner or owners of such lot or lots, to be recovered in a court of competent jurisdiction, and shall, from the time of the passage of the order, be a lien upon such lot or lots, which may be enforced as other taxes and liens are, under this charter: *Provided*, That the cost of filling, draining, or removal of or from such lot or lots shall not exceed twenty-five per cent. of the value of such lot or lots, to be estimated after the work is done. Also, to proceed, after notice, to remove or abate any nuisance on private property, at the cost and expense of the owner or occupier thereof, when such owner or occupier creating or permitting it shall fail to comply with such ordinance as the city council may adopt in relation thereto; and may, in addition thereto, impose such fines and penalties for the violation of such ordinances as may be deemed adequate and proper.

Upon failure of owner, may have work done and charge same to owner.

May abate nuisance.

§ 2. That this act shall take effect from its passage.

Approved April 23, 1873.

CHAPTER 1079.

AN ACT of incorporation for Mayfield Lodge, No. 151, I. O. O. F.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators' names.

§ 1. That L. S. Hudgens, A. J. Watson, J. A. Browning, G. J. Bolinger, G. J. Pullen, [and] Wm. Hall, and their associates, be, and they are hereby, created a body-cor-

porate, by the name and style of Mayfield Lodge, No. 151, of the Independent Order of Odd Fellows, and they and their associates and successors shall so continue and have perpetual succession; and by that name are made capable in law, as natural persons, to sue and be sued, plead and be impleaded, contract and be contracted with, answer and be answered, in all courts of law and equity in this Commonwealth; to make, have, and use a common seal, and the same to break, alter, or amend at pleasure. They may make and ordain regulations and by-laws for their government, and those now in force in said Lodge to alter when deemed proper; and may change and renew the same at pleasure: *Provided*, They be not in contravention of the constitution, laws, and regulations of the Grand Lodge of the Independent Order of Odd Fellows, incorporated by an act approved February 16th, 1838, nor in contravention of the Constitution and laws of the United States or of the State.

1873.

Name and style.

Corporate powers.

§ 2. That said corporation shall have power and authority to acquire and hold real and personal estate, not exceeding twenty thousand dollars in value; and, from time to time, if deemed expedient, sell and convey the same, or any part thereof, and to reinvest and dispose of the proceeds.

May acquire real and personal property, & dispose of same.

§ 3. The right to alter, amend, or repeal this act is hereby reserved to the General Assembly; but the repeal shall not deprive the parties interested of the property or effects acquired or held under this act.

§ 4. Said corporation shall have the right to issue bonds, not exceeding ten thousand dollars in value, and mortgage their property to secure payment of the same; and also the right to build a railroad at their own expense to be owned by the corporation.

May issue bonds and secure same by mortgage.

§ 5. This act shall take effect from its passage.

Approved April 23, 1873.

CHAPTER 1080.

AN ACT to amend an act, entitled "An act to amend the charter of the Jefferson and Brownsboro Turnpike Road Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to amend the charter of the Jefferson and Brownsboro Turnpike Road Company," be amended as follows, viz: That the president and directors of said company may sell or mortgage said road in liquidation of its debts, not exceeding twenty-five thousand dollars: *Provided*, The said sale or mortgage

1873. shall be made by and with the consent of a majority of its stockholders.

§ 2. The said company is hereby allowed to move their toll-gate from its present location to any point outside the city limits of the city of Louisville.

§ 3. This act to take effect from and after its passage.

Approved April 23, 1873.

CHAPTER 1081.

AN ACT to amend the charter of the city of Covington.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Council may issue bonds to take up floating debt bonds.

§ 1. That for the purpose of redeeming the city bonds, known as the floating debt bonds, issued under an act of this Assembly approved March 25th, 1872, to the amount of one hundred thousand dollars, authority is hereby given to issue city bonds to the amount of not exceeding one hundred thousand dollars, redeemable in twenty years, in such denomination as the council may prescribe, bearing interest at a rate not exceeding seven and three tenths (7 3-10) per cent. per annum, payable semi-annually. The council may dispose of such bonds at not less than their par value, at such times, and in such manner, as may be deemed advisable. The interest upon said bonds shall be paid out of the tax to pay interest on bonded debt. The said bonds shall be used for the purpose above stated, and none other.

§ 2. This act to take effect from its passage.

Approved April 23, 1873.

CHAPTER 1082.

AN ACT to incorporate the Lambert Mining Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators' names.

Name and style.

Corporate powers.

§ 1. That S. H. Lambert, David, Clark, James L. Lambert, and Joel Lambert, their associates, successors, and assigns, be, and are hereby, constituted a body-corporate and politic, under the name and style of the Lambert Mining Company; and by that name and style shall have perpetual succession, with power to contract and be contracted with; to own property, both real and personal, and to sue and be sued in all courts and places; to have a common seal; to engage in mining for coal, iron, and other minerals, and in preparing them for market and transporting and selling the same within or without the

State, and to do other acts and to have all other powers needful for the successful prosecution of their business, and for the execution of the powers herein granted. 1873.

§ 2. That said corporators may organize said company by the election of a president and such other officers and managers as they may deem necessary, at such time and place as they may designate, by notice previously given; and when thus organized, the said company shall have power to make such by-laws, rules and regulations, as they may deem necessary, from time to time, for the government and prosecution of the business of said corporation, not inconsistent with the Constitution and laws of the United States and of this State.

When company may organize.

§ 3. The capital stock of said company shall not exceed three hundred thousand dollars, to be divided into three thousand shares of one hundred dollars each.

Capital stock.

§ 4. The said company may buy, lease, or rent any suitable lands, mines, mining privileges or products, rights of way, and other property and rights necessary for their business, and may dispose of the same, or any portion of the same, by sale or otherwise; they may receive real estate, leasehold, mining rights, and rights of way, in payment of such part of subscriptions as they may deem advisable.

May acquire real estate and dispose of same.

§ 5. Said company may erect and build on any of their lands such buildings, furnaces, engines, machinery, and fixtures, as may be deemed convenient and proper for establishing and conducting the business of said corporation.

May erect and operate furnaces, &c.

§ 6. The said corporation may borrow money on such terms and conditions and at such rates of interest as may be agreed on, and secure the same by mortgage upon the whole or any part of its franchises and property; and may issue and sell its bonds, bearing such rate of interest not exceeding ten per cent. per annum, and secure said bonds by mortgage upon the whole or any part of its franchises and property: *Provided, however,* That the sum or sums so borrowed, and the bonds so issued, shall not, at any one time, exceed the capital stock subscribed.

May borrow money and secure same by mortgage.

§ 7. This act shall take effect and be in force from and after its passage.

Approved April 23, 1873.

1873.

CHAPTER 1083.

AN ACT to amend section two of an act, entitled "An act to authorize M. B. Goble to erect a boom across Blain creek, in Lawrence county," approved March 18, 1870.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the second section of the act above recited be amended so that the same shall read as follows: The said M. B. Goble shall be allowed to charge boomage as follows: For each cord of wood, twenty cents; for each one thousand staves, twenty-five cents; and he shall have a lien upon said property for said charges; and if said property is kept in his said boom for a longer period than four days, he shall be allowed to charge a reasonable sum in addition to the sums aforesaid, for keeping said property after said time; and for a failure upon the part of said Goble to use due diligence to preserve such property as may come against said boom when it is extended across said Blain creek, the said Goble shall be fined in any sum not less than twenty nor more than one hundred dollars, to be recovered by indictment.

§ 2. The provisions of the act to which this is an amendment, in conflict with this act, are repealed.

§ 3. This act to take effect from its passage.

Approved April 23, 1873.

CHAPTER 1084.

AN ACT to authorize the clerk of the Jefferson circuit court to make an index and cross-index of said court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the clerk of the Jefferson circuit court may cause to be made out an index and cross-index of civil suits brought in the Jefferson circuit court from the — day of ———, 1851, to the — day of September, 1865.

§ 2. That said clerk shall receive for said work a reasonable compensation, to be fixed by the judge of said court and the general council of the city of Louisville, and to be apportioned between and paid by the city of Louisville and the county of Jefferson, in the same ratio in which other court expenses have heretofore been apportioned and paid.

§ 3. This act shall be in effect from its passage.

Approved April 23, 1873.

CHAPTER 1085.

1873.

AN ACT to incorporate the Good Templars' Aid Society, of Franklin county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That Richard A. Bishop, John N. Crutcher, Thos. B. Abbott, John R. Prentiss, B. B. Jeffries, J. T. Gaines, Thos. J. Harris, J. A. Hodges, John W. McClure, Lee A. Owens, Henry Crumbaugh, and Green Clay Smith, and their successors, be, and they are hereby, created a body-corporate, under the name and style of the "Good Templars' Aid Society of Franklin county," with authority to associate such persons with them as may subscribe and pay into the treasury of said society the amount or amounts hereinafter prescribed; and said society, in its corporate capacity, may sue and be sued; may have a corporate seal, and change the same at pleasure, and transact all the legitimate business of said company.

Corporators' names.

Name and style.

Corporate powers.

§ 2. The incorporators herein named may, after three days' notice, meet and organize by electing a president, vice president, secretary, and treasurer, who shall hold their offices for one year, unless otherwise fixed by the by-laws.

After notice, the corporators may elect officers.

§ 3. Said society shall, after its organization, adopt by-laws for their government, not inconsistent with this act, and for the furtherance of their organization.

May make by-laws, &c.

§ 4. It shall be the duty of the president to preside over the deliberations of the society; in his absence the vice president shall act. The secretary shall keep a faithful record of the proceedings of each meeting in a book procured for said purpose.

Duties of president and secretary.

§ 5. The treasurer shall be the custodian of the funds of said society, and pay them out as directed by the society; he shall, however, before entering upon the duties of his office, give bond and security, approved by the president and secretary.

Duties of treasurer.

§ 6. All persons, including the incorporators herein mentioned, who shall become members of this society, shall pay, on becoming members, into the treasury of said society, not less than one nor more than five dollars; and said funds thus paid into the treasury shall be for defraying the funeral expenses of a deceased member, or the benefit of his or her family, as the society may deem best. Whenever a member shall die, it shall be the duty of the secretary to give notice, in writing, to each member, and upon receiving such notice, the membership shall be required to pay into the treasury the amount fixed upon by the by-laws of said society.

Fees for membership.

Benefits.

§ 7. This act to take effect from and after its passage.

Approved April 23, 1873.

1873.

CHAPTER 1086.

AN ACT to amend the charter of the town of Lockport, in Henry county.

WHEREAS, The citizens of the town of Lockport, in Henry county, have failed to elect trustees as provided for by the charter of said town and amendments thereto; now, that the citizens of said town shall have full notice of the time of holding said election, and of the extension of the boundary of said town,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the town of Lockport, in the county of Henry, and amendments thereto, are hereby revived and declared in full force, except as hereby repealed, and that the boundary of said town shall be so extended as to include the lock-house now occupied by Joel Payne; and that the election of trustees of said town shall take place hereafter on the third Saturday in May in each year, and shall hold their office until their successors are elected and qualified.

§ 2. This act shall take effect after its passage.

Approved April 23, 1873.

CHAPTER 1087.

AN ACT for the benefit of John J. Macklin, former sheriff of Kenton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be instructed to draw his warrant on the Treasurer for two hundred and twenty-one dollars and ten cents in favor of John J. Macklin, former sheriff of Kenton county, the said amount being for five per cent. penalties on taxes collected on or before the 1st day of April, 1872, and paid into the State Treasury by said Macklin, no portion of which was collected by said Macklin from the tax-payers.

§ 2. This act shall take effect from its passage.

Approved April 23, 1873.

CHAPTER 1088.

AN ACT to amend the charter of the city of Ludlow.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

School trustees to
be elected.

§ 1. That the qualified voters in each ward shall elect, at the next regular election, one school trustee. Those

1873.

elected in the first and third wards shall hold their offices for one year, and those elected in the second and fourth wards shall hold their offices for two years; but trustees shall not enter upon the discharge of the duties of their offices until the second Monday of July next after their election, at which time their terms of office shall begin. After the election in 1873 the term of office for school trustees shall be two years and until their successors are elected and qualified. The qualified voters of the first and third wards shall elect trustees at the regular December election in 1874, and those of the second and fourth wards shall elect in 1875, and so on, alternating each year, so that one portion of the trustees shall hold over at each election. Should other wards be added to the city the qualified voters shall elect in each ward one trustee for the term of two years, and when wards are so added the odd wards shall elect at the same time the first and third wards elect, and the even wards shall elect at the same time the second and fourth wards elect. All vacancies happening in the board shall be filled by the board until the next regular election for trustees in the ward for which such vacancy was filled. The board shall elect a president from their own members, who shall preside over the meetings of said board. The city clerk shall be *ex-officio* clerk of said board, and for his services said board may pay him annually such sum as it may determine out of said school funds. Said clerk shall attend all meetings of the board and attest their orders, and carefully preserve their records and papers in his office. Certified copies of such shall, when signed by him, be evidence in all courts in this State:

Term of office.

Vacancies—
how filled.

Duties of city
clerk.

§ 2. That the council shall have the power to provide by ordinance, affixing adequate penalties, for the violation of such ordinances for the suppression of tippling-houses, bawdy-houses, and houses of ill-fame, gambling-houses, and such other houses as are the common resort of idle, dissolute, and disorderly persons; also to prohibit all retailing of spirituous, vinous, or malt liquors without a city license, by imposing fines and penalties, by ordinance, upon those who shall retail such liquors without such license, recoverable in the mayor's court.

Council to fix
penalties for cer-
tain offenses.

§ 3. Council shall have power to provide, by ordinance, that after notice to the owner or occupant of any private premises, to remove or abate any nuisance upon said private property, that if the person so notified shall fail within the prescribed time to remove or abate such nuisance, that the same shall be removed or abated by the city, through an officer authorized so to do, at the cost and expense of the person so notified; and may, in addition thereto, impose such fines and penalties for the violation of such

Council may
have nuisances
abated.

1873. ordinances as it may deem adequate and proper, not exceeding, however, the sum of ten dollars per day for each day such nuisance may remain after giving notice, to be recovered in the mayor's court as in the case of civil action.

Council to regulate and license taverns, &c.

§ 4. The city council shall have exclusive right to license and regulate in said city all taverns, houses of public entertainment, coffee-houses, retailers of spirituous, vinous, or malt liquors, and houses of public resort: *Provided*, That the State tax on retailers of wines, spirituous, or malt liquors, shall be paid over to the clerk of the Kenton county court, in the same way that the taxes on taverns are directed by law to be paid; they may fix such sum for licenses as they may deem proper, not to exceed fifty dollars for malt liquor license, nor not to exceed one hundred dollars for vinous and spirituous liquor license, for one year. They shall have power to tax dogs; but no license granted by said city council shall authorize any act therein licensed or permitted to be done, to be transacted on Sunday, or the day commonly called the Christian Sabbath. No spirituous, vinous, or malt liquors shall be sold by any person in the said city, whether licensed or not, on Sunday, or upon the day of a general election, whether city, county, or State; and any person convicted of a violation of this section, in the mayor's court, shall be fined any sum not less than ten nor exceeding fifty dollars.

May issue bonds to borrow money upon.

§ 5. Should the city of Ludlow borrow money, as heretofore provided in the charter of said city, approved February 9th, 1864, it may issue bonds in any denomination not less than twenty-five dollars, and such bonds may bear any rate of interest the city council may determine, not exceeding, however, seven and three tenths per centum per annum, and be exempt from municipal taxation; said bonds shall be signed by the president of said city council and countersigned by the clerk of said city; the seal of said city shall be affixed to each of said bonds.

In cases of disability of mayor, council to elect mayor pro tem.

§ 6. Should the mayor of said city be temporarily disabled from discharging his duties or be absent from the city, the city council may elect a mayor *pro tem.*, who shall discharge the duties of the office during the disability or absence of the mayor; and the council may allow such compensation to the mayor *pro tem.* as it may deem right, not exceeding in proportion the salary that would go to the mayor for the same time; and the same be deducted from his salary.

May require streets, alleys, &c., to be improved.

§ 7. The council shall have full power to cause and procure all the streets and alleys, market spaces and lanes, in said city, to be graded, macadamized, turnpiked, bowlderized, curbed, or paved at the expense and cost of the owners of lots fronting or bordering on said streets,

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alleys, market spaces, and lanes: *Provided*, That the property-holders owning a majority of front feet on any street, lane, market space, or a majority of front feet between any two points on any street, alley, or market space, lane, or sidewalk, shall, by petition in writing, request the council to order such improvement. Then said council, a majority of its members elect concurring, shall order and contract for said street, alley, or market space, in said petition described, to be graded, paved, curbed, macadamized, bowldered, or turnpiked, at the expense of the owners of the property on said street, alley, or market space, or part thereof; and when said improvement shall be completed, the council shall apportion the cost and expense equally on the lot-owners according to the front feet; and a lien is hereby given on the lots or parts of lots for the same; which costs and expenses may be collected by any one appointed by the council for the purpose, who shall have authority to sell and convey the lots, or parts of lots, for the same, according to such by-laws and regulations as shall be adopted by council. It shall also have the power to order and contract for such improvements as aforesaid on any street, alley, or market space, without the petition of the property-holders as aforesaid, provided, that all the members of the council elect concurs therein; and the owners of property on such street, alley, or market space shall be liable for the costs and expenses of such improvement in front of their property as though they had petitioned as aforesaid: *Provided, however*, That the owner of any lots or part of lots sold for the costs and expenses of said paving, curbing, macadamizing, bowldering, or turnpiking, as aforesaid, who has not consented, in writing, for that purpose, shall be allowed five years to redeem the same, by paying to the purchaser of said lot or part of a lot so sold, as aforesaid, the purchase money, with fifty per centum interest per annum, and ten per centum interest on all the levies and taxes that may have subsequently accrued and have been paid by said purchaser; and those who may have consented, in writing, may redeem at any time in one year on payment of the like interest: *Provided*, That infants, *femes covert*, and persons of unsound mind, shall have one year to redeem, on like terms, after their respective disabilities shall be removed.

§ 8. The council shall have power to cause and procure the sidewalks in said city to be curbed and paved with stone or brick, and apportion the cost and expenses among the owners of lots fronting or bordering thereon; and a lien is hereby given on said lots to secure the payment of said costs and expenses: *Provided*, That the

May cause sidewalks to be curbed and paved.

1873. owners do not have said work done in the manner, and in the time prescribed; and the costs and expenses accruing under the provisions of this section shall be collected in like manner as those for paving and turnpiking, &c.; and the collector shall have like authority to sell and convey the same as is provided in the foregoing section, and the said lots or parts of lots shall be liable to redemption within one year from the date of sale, with fifty per centum interest per annum thereon, securing to infants, *femes covert*, and persons of unsound mind, the right respectively to redeem within one year of the removal of their several disabilities.

May order streets
repaired.

§ 9. Whenever, at any time, the streets, alleys, or sidewalks of said city shall be out of repair, the said council shall have power to order the same to be repaired, at the expense of the owners of lots opposite the places to be repaired, and the same lien shall attach; the costs and expenses thereof shall be collected in like manner as provided in the foregoing section.

§ 10. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

§ 11. This act shall take effect from its passage.

Approved April 23, 1873.

CHAPTER 1089.

AN ACT for the benefit of the Louisville Board of Trade.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That any real estate held by the Louisville Board of Trade, in the city of Louisville, by purchase in fee-simple, not exceeding one hundred by two hundred feet in area, and any improvements thereon, shall be, and are hereby, exempted from all State taxes so long as such property shall be occupied by said Board of Trade for the purposes contemplated in its organization. And the general council of the city of Louisville is authorized to exempt such property so held and occupied from all taxes authorized to be levied by said general council of said city of Louisville.

Approved April 23, 1873.

CHAPTER 1090.

1873.

AN ACT to regulate the manufacturing, storing, keeping, and transporting nitro-glycerine, in Mason county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. It shall hereafter be unlawful for any person or persons, or company, to manufacture, keep, or store the substance known as glonoin, nitro-glycerine, or tri-nitro-glycerine, within one mile of any city, town, or dwelling in Mason county, unless there shall be intervening between the place of manufacturing, storing, or keeping said substance and said city, town, or dwelling, a mountain or hill, not less than two hundred feet in height, and then not within less than one fourth of a mile of any city, town, or dwelling in said county: *Provided*, That the said substance may be manufactured, stored, or kept nearer than the distance mentioned, to any dwelling, with the consent of the owners and occupants of said dwelling.

Made unlawful to store nitro-glycerine within a mile of a city, town, or dwelling in Mason county.

§ 2. The substance known as glonoin, nitro-glycerine, or tri-nitro-glycerine, shall not be stored or kept at any place within said county, except in a congealed condition; nor shall it be transported on any conveyance of any kind in said county used for the transportation of passengers; nor shall it be transported upon any conveyance except in strict accordance with the laws of Congress on the subject. Any person or persons violating this or the preceding section shall, on conviction thereof, be fined not less than one thousand nor more than three thousand dollars.

In what condition to be stored or transported.

§ 3. Should said substance explode, either in store or transportation, the owner or owners of [the] same shall be responsible and liable for all damage done to any property by the explosion. Should death occur to any person by the explosion of said substance, either in store or transportation, then said owner or owners shall be deemed guilty of manslaughter, unless it can be shown that the explosion was caused by some person or persons in no way connected with storing, keeping, or transporting the same.

Penalty for violating act.

Owners to be responsible for damages by explosions.

§ 4. The circuit court of Mason county shall have full power to try all violations of the provisions of this act.

Jurisdiction of circuit court.

§ 5. This act to be in force from its passage, except the first section, which shall be in force in thirty days from [the] passage of this act.

Approved April 24, 1873.

their road. Said company so incorporated by this act shall have the further power to erect a bridge above and across the Licking river at any point within the limits of said city south of the north line of ninth street, for railway and other modes of travel, with or without carriage-ways and foot-ways, and may extend a railway over said bridge, with such tracks as they may deem expedient, and may acquire the right of way, and construct and operate on the same a railway of double or single track, from either or both ends of said bridge, extending to or connecting with the depots or tracks of all or any railroads that may now or hereafter pass through the city of Covington or the city of Newport; and may acquire the right of way, and construct and operate on the same a railway, with double or single track, from either or both ends of said Licking river bridge, extending to or connecting with any railway or bridge now built or that may be hereafter built across the Ohio river, either from the city of Covington or the city of Newport; and said company may acquire the right of way, and extend and operate on the same branch railways of double or single tracks, connecting with any railway within five miles of the Ohio river. Upon the wagon-ways and foot-ways, if constructed under this act across said Licking river, no higher tolls shall be charged or collected by said company than are now charged by the suspension bridge across the same.

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Corporate powers.

§ 2. That said company may acquire depot grounds and grounds for machine-shops at such points as they may deem convenient to their business, and may, either alone or in conjunction with any other railroad company or companies, erect such machine-shops, depot buildings, sidings, and connections, as may be deemed necessary and convenient for carrying out the objects of this act, and may buy or lease any part of any existing railroad within the limits prescribed in the first section of this act; and may acquire the right of way over any street, public ground, or property belonging to the city of Newport or Covington within their corporate limits, for the purpose of laying down and operating their road or roads, on such terms as may be agreed upon between said company and the city council of said city or cities.

May acquire depot grounds, &c.

§ 3. That said company may, for the purpose of carrying their railway over and across the Ohio river, erect a bridge above and across said river at any point within the corporate limits of the city of Covington, not further east than the east line of Washington street produced; and the company may construct said bridge with carriage and foot-ways for the accommodation of ordinary travel, should it be deemed advisable to do so: *Provided*, That

May erect bridge over Ohio river.

1873.

the bridge shall be constructed in conformity to the laws of the United States regulating the erection of bridges over the Ohio river; and should said company determine to construct such carriage and foot-ways on their bridge, they may charge and collect such rates of toll for the use of said ways as they may determine upon, not exceeding on the foot-ways of said bridge as follows: for a single crossing, two cents; and shall sell tickets in packages of twenty-five for twenty-five cents per package, and in packages of one hundred for eighty cents per package.

Rates of toll.

On said carriage-ways not to exceed the following: for one person, with hand vehicle, four cents; for one horse and rider, six cents; for one horse and vehicle, ten cents; for two horses and vehicle, fifteen cents; for three horses and vehicle, twenty cents; for four horses and vehicle, twenty-five cents; for six horses and vehicle, thirty cents; for two horses with timber wheels, twenty-five cents; for four horses with timber wheels, thirty-five cents; for six horses with timber wheels, fifty cents; for horses, cattle, and mules, each, five cents; for hogs, each, three cents; for sheep, each, two cents; and said company shall sell commutation tickets for said carriage-ways in packages of not less than fifty in number, at twenty-five per centum less than the amounts authorized to be charged in the above schedule on said carriage-ways; and for the purpose of erecting said bridge or bridges, said company may purchase or condemn by writ of *ad quod damnum*, as prescribed in section six of this act, such ground as shall be requisite for piers, abutments, avenues, side-tracks, and approaches to said bridge, and also such material as shall be requisite in the construction thereof.

May condemn
right of way.

City of Covington
may purchase
foot or carriage
ways for corpora-
tion.

§ 4. That it shall be lawful for the city of Covington to enter into any agreement with said Transit Railway and Bridge Company which said city may deem for its best interests, to secure the construction of foot and carriage-ways over said Ohio river bridge, or to purchase such foot and carriage-ways from said company as it may construct over its bridge, and to take the same under the exclusive management of said city; and for the purpose of securing the construction of such foot and carriage ways, said city is hereby empowered to use any fund it is now or hereafter may be authorized to raise and appropriate, to the erection of a bridge over the Ohio river, in the western part of said city, in accordance with the act authorizing the same; and should said company construct such foot and carriage-ways on said bridge, the city of Covington shall have the right, at its option, to purchase and take such ways under its control, as prescribed in this section, upon paying said company the additional cost incurred by it in constructing such foot and carriage-ways, and in acquir-

1873.

ing the right of way, and so constructing and enlarging their piers, abutments, and approaches as to afford the necessary access and support to such foot and carriage-ways, upon which cost interest at the rate of ten per centum per annum shall be paid by the city to the company from the time the company expended such capital until the payment shall be made, less any income the company may have received from tolls taken on the said ways up to the time they shall pass from its control: *Provided*, That should the city purchase said ways, and should the piers or abutments of said bridge at any time become broken, injured, or out of repair, said city shall contribute ratably with said company, and in proportion to the amount of capital each shall have in said bridge, to the renewal or repair of said abutments and piers: *And provided further*, That this act is not to be construed as conferring upon the city of Covington any authority to increase the debt of said city, or to impose any tax upon the citizens or private property in said city not now authorized by the charter of the city of Covington or its amendments, unless the same shall be authorized by future legislation, independent of this charter.

§ 5. That should the foot and carriage-ways mentioned herein be constructed on said bridge, and pass under the control of said city, then the right of said company to take toll thereon shall cease; but said city may collect such tolls on the carriage-ways as shall be necessary to keep them and the footways in good repair; and said city may, should it deem it just or expedient to do so, collect such further tolls, not exceeding the amounts heretofore specified, for the use of said carriage-ways, as may be sufficient to meet all or any portion of the interest, and ultimately extinguish all or any portion of the principal of any bonds it may issue for the purpose of securing the construction, or in making the purchase, of the foot and carriage-ways aforesaid; but when any debt contracted by the city for the purposes aforesaid shall have been extinguished, no greater tolls shall be collected for the use of said carriage-ways than shall be sufficient to keep them and said footways, together with their approaches and supports, in good condition and repair.

If city purchases said ways, company shall not collect tolls, but city may do so.

§ 6. That said company may purchase, lease, or accept by way of gift, any earth, gravel, rock, timber, or other material necessary to be used in the construction of said road and bridge; and also any ground necessary for the piers, abutments, avenues, and approaches to their bridge; and should the company be unable to agree upon a price to be paid for such ground or material with the owner thereof, or to procure the right of way for their road or roads, to the approaches to their bridge or bridges,

Powers of company.

1873. over any ground where it may be found proper to locate them, then, upon their application to the county judge of Campbell or Kenton county, or to the mayor of the city of Covington or Newport, or to any justice of the peace in either the county of Kenton or Campbell, as the case may be, it shall be his duty to award the writ of *ad quod damnum* for the purpose of valuing and condemning such ground, right of way, or material, under which a jury shall be empaneled, and such proceedings had for ascertaining the value of such material, ground, or right of way, as are prescribed in sections seven, eight, and nine, of chapter eighty-four, of the Revised Statutes of Kentucky, and upon payment, or tender of the value or damages assessed, it shall be lawful for said company to occupy the ground and way, and to take and use the material so condemned.

Proceedings under writ.

§ 7. That if upon the return of the writ of *ad quod damnum* mentioned in the preceding section, either party should be dissatisfied with the finding of the jury, such party may appeal to the circuit court where a re-trial shall be had; but in case of such appeal, should the company desire to take possession of such ground, right of way, or material for the purpose of prosecuting their work, then (should the appeal be by the owner of the ground or material condemned) the company may deposit the amount assessed by the jury in some bank in this State chartered by the laws thereof, or by the laws of Congress, subject to be paid to the owner of the ground or material upon a final disposition of his appeal; but should said company appeal, then they shall tender to the owner the amount they admit to be just, and if he or they refuse to receive the same, then deposit the whole of the amount assessed by the jury in such bank to await the result of the appeal; and upon complying with the requirements aforesaid, the company may proceed to take possession of such ground, right of way, or material, and appropriate them to the uses aforesaid, without awaiting the result of such appeal.

Capital stock—how divided.

§ 8. That the capital stock of said company shall be divided into shares of one hundred dollars each; and it shall be the duty of the persons hereby incorporated, within ninety days after the passage of this act, to select any three of their number as commissioners, and upon not less than ten days' notice, through some paper of general circulation in the city of Covington, to open books in said city and receive subscriptions to the capital stock of said company, which said books shall be kept open not less than twenty days; and at the end of said twenty days, if one thousand shares or more have been subscribed, said commissioners shall give notice to the subscribers of the

same of the time and place of a meeting to be held by such subscribers, at which a board of directors shall be selected by the persons who have subscribed to the stock of the company prior to the organization of such meeting, each share of stock entitling the subscriber or owner thereof to one vote. And any person named in the first section of this act as a corporator who fails to subscribe to its capital stock, shall cease to be a member of the company.

§ 9. There shall be not less than seven or more than thirteen directors elected by said stockholders, to hold their offices one year from their election, and until their successors are elected; and the board of directors shall elect one of their number president, and shall elect such other officers, including a secretary and treasurer, as said board may deem necessary for the transaction of their business. The business of said company shall be under the direction and management of said board, and of such officers and agents as they may employ, and they may make such by-laws for the transaction of the business of the company as they may find expedient, provided the same shall be lawful, and may add to or modify the same, from time to time, as they shall find proper. They may fix the time and place of holding the annual meetings for the election of directors and meetings of the board, and may change such time if found expedient to do so; and stockholders may vote at all elections by written proxies. The president and directors of the company shall be stockholders therein, and whenever any one of them ceases to be a stockholder in the company, his office shall become vacant. The board of directors shall fill any vacancy that may occur in the board in the intervals between the annual elections.

§ 10. Said company may receive subscriptions to their capital stock from any municipal or private corporation, and may receive the bonds of such corporation, which they may be empowered to issue, in payment of such subscriptions, on such terms as may be agreed upon between the board of directors of said company and the subscribing corporations.

§ 11. The board of directors shall provide for the collection of the stock subscribed in such installments as they may deem proper, and shall give notice and make demand of payment thereof in such manner as they may prescribe by resolution or by-law; and upon failure of any stockholder to pay such installment, may sue for and recover the same, together with ten per centum interest from the time it was due, and ten per centum damage in addition thereto; and no stockholder, while in arrears upon such assessment, shall vote at any meeting of the stockholders or hold any office in the company.

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When company
may organize.

Directors—term
of office, powers,
and duties.

How & what sub-
scriptions may be
received.

Board may pro-
vide for collection
of stock subscrip-
tions.

1873.

Quorum.

§ 12. A majority of the members of the board of directors shall constitute a quorum for the transaction of business; and in the absence of the president at any meeting of the board, the members present shall select one of their number to preside.

Board to keep record.

§ 13. The board of directors shall keep a full and faithful written record of all their proceedings, to be signed by their presiding officer; which record, or attested copies therefrom, verified by the affidavit of the custodian thereof as correct, shall be *prima facie* evidence where the originals could be used in all courts of this Commonwealth.

May borrow money & secure same by mortgage

§ 14. Said company shall have power to borrow money, not exceeding the amount of its authorized capital stock, at any rate of interest the board may determine upon, and may execute coupon bonds or other evidences of debt therefor; and to secure payment thereof, may mortgage or pledge all or any part of the property, rights, income, profits, and franchises of the company, and to sell or pledge such bonds at such rates and on such terms as the board may deem advisable for the interests of the company; and upon the sale of the property and franchises of the company, under any mortgage made thereon under the provisions of this act, such sale shall pass to the purchaser the corporate franchises of the company as fully as the company held them at the time such mortgage was executed; and it shall be lawful for the purchaser or purchasers to own said bridge and railway with their appurtenants, and operate the same under this charter, and any amendments that may be made thereto, and under the name designated for said company by this act.

Legal name and style.

§ 15. That said company shall have a common seal, and may, for convenience, contract, sue and be sued, in the name of "The Transit Railway Company"—omitting the word "bridge," as expressed in the title of this act.

May consolidate with company in Ohio organized for same purpose.

§ 16. That it shall be lawful for said company to become consolidated with any company organized in the State of Ohio for the purpose of building a railway and bridge over the Ohio river, in the manner following, to-wit: the president and directors of each company may enter into a joint agreement, under the corporate seals of each company, for the consolidation of said companies, prescribing the terms thereof, the mode of carrying the same into effect, the name of the new corporation, the number of the officers and directors thereof, and their place of residence; the number of shares of the capital stock, and the amount of each share, and the manner of converting the capital stock of each of said companies into that of the new corporation, with such other details

as shall be necessary to perfect the new organization and the consolidation of said companies.

1873.

§ 17. Said agreement shall be submitted to the stockholders of each company, at a meeting thereof called separately for the purpose of taking the same into consideration. Due notice of the time and place of holding said meeting, and the object thereof, shall be given by written or printed notices addressed to each of the persons in whose names the capital stock of the companies shall stand upon the books thereof, and also by like notice printed in some newspaper published in the city of Covington or Cincinnati, of general circulation in Covington. And at said meeting of stockholders the aforesaid agreement shall be considered, and a vote by ballot taken for the adoption or rejection thereof, each share entitling the holder to one vote, and the ballots shall be cast in person or by proxy. And if two thirds of all the votes of all the stockholders shall be for the adoption of said agreement, then that fact shall be certified thereon by each of the secretaries of said companies, and the agreement so certified, or a copy thereof, shall be filed in the office of the Secretary of State, and shall be deemed and taken to be the agreement and act of consolidation of said companies; and a copy of said agreement and act of consolidation, duly certified under the seal of the Secretary of State of Kentucky, shall be evidence of the existence of said corporation.

Agreement of consolidation to be submitted to stockholders.

§ 18. That upon perfecting the consolidation in [the] manner aforesaid, the corporations parties thereto shall become one corporation, possessing within this State the rights, privileges, and franchises granted to the Transit Railway and Bridge Company under this act, and any amendments that may be made thereto. Upon the adoption of such agreement by the stockholders of both companies, it shall be the duty of the stockholders, at the meeting at which it is adopted, to appoint a time and place for the election of directors and other officers of the new corporation which may be provided for in said agreement, notice of which shall be given in some newspaper of general circulation in Covington or Cincinnati, which election shall be conducted in the manner that may be prescribed by said meeting of stockholders.

Legal effect of consolidation.

§ 19. Upon the election of the first board of directors of the new corporation, all the rights, privileges, and franchises of each of said corporations, parties to said agreement, and the property, real, personal, and mixed, and all debts due on account of stock subscriptions or otherwise, shall be deemed to be transferred to said new corporation without further act or deed; and all property and other interests of said original companies shall become

Upon organization of consolidated company, the rights and franchises to pass to new company.

1873. absolutely vested in the new corporation, and the title to real estate, however acquired under this charter by the original company, shall not revert or be impaired by reason of the consolidation aforesaid: *Provided*, That all rights of creditors, and all liens upon the separate property of the original corporation existing at the time of the consolidation shall be preserved unimpaired, and the respective corporations shall be deemed to be in existence to preserve the same; and all debts, liabilities, and duties of either of said corporations shall thenceforth attach to such new corporation and be enforced against it to the same extent as if said debts and liabilities had been contracted by it.

Stockholders refusing to convert stock to be bought out.

§ 20. That any stockholder who shall refuse to convert his stock into the stock of the consolidated company shall be paid the highest market value for his stock at any time within six months next preceding the time of such consolidation; and if such stockholder and the board of directors of said company cannot agree upon the value of said stock, they shall submit the question of its value to three disinterested persons, to be selected by the judge of the Kenton circuit court, upon the motion of either party; but should the person so refusing to convert his stock refuse to submit the question of its value to arbitration, then said judge shall, upon the application of any director of the company, appoint such arbitrators, who shall proceed to ascertain the value of the stock the same as if the question had been submitted by consent of both parties; and if the party owning the stock shall refuse to receive the amount awarded, the company may deposit the same in the name of said owner in any National or State bank in Covington, which deposit shall authorize said company to proceed with the consolidation without further payment to such stockholder.

Notice to be given of location of the bridge.

§ 21. When the company incorporated by this act shall locate and obtain the site for said bridge across the Ohio river, or locate any railway in the city of Covington, it shall give public notice of the same for five successive days in some daily newspaper of general circulation in the cities of Cincinnati and Covington, designating in said notice the point or points at which said bridge and railway is located, and within five months from the date of the last publication so locating said site for said bridge or railway, the trustees of the Cincinnati Southern Railroad, after notifying the president of this company, in writing, or by making public notice of the same for five days in some daily paper circulated in Cincinnati and Covington, shall have the right, for the purpose of erecting, building, and operating a bridge across the Ohio river, and for the purpose of building a railway, and of

After said notice, trustees of Cincinnati Southern Railroad may claim & use said location after paying this company's expenses.

transporting the locomotives and cars of said Southern Railroad across said river, and over said railway, and other purposes necessary for their railway, to claim and take possession of said site for said bridge and railway, or any part thereof, so located by this company for said bridge and railway; but said trustees shall not so claim and take possession of said site so selected and located by this company until said trustees shall have paid to this company any money necessarily expended by it on and about said site for said bridge or railway, with interest on the same, at the rate of fifteen per centum per annum.

§ 22. This act shall take effect and be in force from and after its passage.

Approved April 24, 1873.

CHAPTER 1093.

AN ACT to amend an act to incorporate the Louisville Stock and Bond Board.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to amend an act, entitled 'An act to incorporate the Louisville Stock and Bond Board,'" which became a law on the first day of March, 1873, be, and the same is hereby, amended as follows:

§ 2. That the third section of said act be amended by striking out the words: "After one hundred thousand dollars shall have been subscribed, and fifty thousand dollars paid in," and inserting in lieu thereof the words: "After fifty thousand dollars shall have been subscribed, and twenty-five thousand dollars paid in;" and the fourth section of said act be amended by striking out the words: "That as soon as said one hundred thousand dollars in stock shall be subscribed, and fifty thousand dollars paid in," and inserting in lieu thereof the words: "That as soon as said fifty thousand dollars in stock shall be subscribed, and twenty-five thousand dollars paid in;" and the sixth section of said act be amended by striking out the words: "May sell the same in accordance with the provisions of law in such case made and provided," and inserting in lieu thereof the words: "May sell the same at public auction in the city of Louisville, Kentucky, after giving ten days' notice in any daily paper published in said city of the time and place of sale."

Approved April 24, 1873.

1873.

1873.

CHAPTER 1094.

AN ACT to amend an act, entitled "An act to incorporate the Prestonsburg Academy and Normal School Building Joint Stock Company," approved March 29th, 1873.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Made unlawful to sell liquors in one mile of Prestonsburg Academy.

§ 1. That an act, entitled "An act to incorporate the Prestonsburg Academy and Normal School Building Joint Stock Company," approved 29th March, 1873, be, and the same is hereby, so amended as to contain the following provision, to-wit: That the county judge of Floyd county, the trustees of the town of Prestonsburg, and all other persons, are hereby prohibited from granting a license to any person or persons to sell, vend, or traffic in any spirituous, vinous, or malt liquors within one mile of said Prestonsburg Academy and Normal School Building.

Penalty.

§ 2. That any person or persons who shall sell, vend, or traffic in any spirituous, vinous, or malt liquors shall be liable to all the pains and penalties imposed by the general laws of this State against keepers of tippling-houses and other retail dealers of such liquors.

§ 3. This act shall be in force from and after its passage.

Approved April 24, 1873.

CHAPTER 1095.

AN ACT to amend an act, entitled "An act to amend and reduce into one the several acts concerning the town of Versailles," approved March 6th, 1868.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Trustees may select bank as treasurer.

§ 1. That section number thirty-three of an act, entitled "An act to amend and reduce into one the several acts concerning the town of Versailles," approved March the 6th, 1868, be so amended as to allow the board of trustees of said town, in their discretion, to select as treasurer thereof the Commercial National Bank, or any other incorporated bank situated in said town; and in the event of said bank, or any other incorporated bank located in said town of Versailles, being selected by the board of trustees of the town of Versailles as treasurer thereof, then such bank, so selected as such treasurer, shall not be required to give bond or take an oath, as provided by said section thirty-three, in the appointment of an individual as such treasurer.

§ 2. This act to take effect from its passage.

Approved April 23, 1873.

CHAPTER 1097.

1873.

AN ACT to authorize the county court of Breathitt to submit to the voters of said county the question of voting a tax for the purpose of having a survey made through said county for a railroad.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Breathitt county court may, by order entered of record, at any regular or special term of said court, cause to be submitted to the voters of said county, at any time the court may designate, the question of imposing a tax of ten cents on each hundred dollars of property assessed in said county under the State assessment, to be held and used by said court as a fund to aid in the surveying a railroad through said county.

County court may submit question of tax for railroad purposes to people.

§ 2. Upon the order of said court the sheriff of Breathitt county shall make a proclamation, of at least thirty days before the day appointed for said vote, and the clerk of said county shall cause to be opened two columns upon the poll-book in each election district, in one of which each clerk of the election district shall record the votes for the tax, and in the other the votes against the tax, as now required by law; and if a majority of those voting, upon a comparison of the polls by those authorized by law to compare them, shall be found to have voted for said tax, the same shall be imposed, and the sheriff of said county shall collect it upon the same terms and conditions as he now collects the State revenue.

Duties of officers of election.

If tax is carried, sheriff to collect same.

§ 3. The fund arising from said tax shall be held, and faithfully and exclusively applied, in making a survey through said county for a railroad.

How funds to be used.

§ 4. The county court of said county shall appoint one or more efficient persons to receive and pay over said fund, according to the order of the court, who shall execute a covenant, with good security, for the faithful performance of his duties herein.

Court to appoint commissioners to disburse funds, who shall give bond.

§ 5. This act shall be in force from its passage.

Approved April 24, 1873.

CHAPTER 1098.

AN ACT for the benefit of R. F. Scott, sheriff of Garrard county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That R. F. Scott, sheriff of Garrard county, be allowed the further time of ninety (90) days to collect and pay into the treasury of the State the balance of the revenue tax of said county for the year 1872: *Provided*, The said Scott's securities shall appear in the county court of

1873. said county and have entered on the records of said court their assent to the extension of time given in this act: *Provided further*, That the said R. F. Scott shall not be allowed to collect from persons that have not paid their tax for the year 1872, any per centage for such failure during the ninety days.

§ 2. This act shall take effect from its passage.

Approved April 24, 1873.

CHAPTER 1099.

AN ACT to repeal an act, entitled "An act to prohibit the selling, giving, or loaning intoxicating liquors in the village of Aaron's Run, or within a radius of two miles from the center thereof."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to prohibit the selling, giving, or loaning intoxicating liquors, in the village of Aaron's Run, or within a radius of two miles from the center thereof," approved March 8, 1871, be, and the same is hereby, repealed.

§ 2. This act to take effect from its passage.

Approved April 24, 1873.

CHAPTER 1101.

AN ACT for the benefit of C. B. Wickliffe, sheriff of Muhlenburg county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That C. B. Wickliffe, sheriff of Muhlenburg county, be allowed, and he is hereby given, the further time until the 15th day of June, 1873, in which to pay into the State Treasury the balance of the revenue due from him as sheriff of said county for the year 1872; and upon the payment of said revenue by him into the Treasury by that day, he shall be, and is hereby, released from all penalties thereon by existing laws: *Provided*, The sureties of the said sheriff shall appear before the judge of the county court of Muhlenburg county and in open court agree to be bound as though this extension had never been given.

§ 2. This act shall take effect from and after its passage.

Approved April 24, 1873.

CHAPTER 1102.

1873.

AN ACT to pay Clinton county for keeping Louisa Eldridge, a pauper lunatic of this Commonwealth.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of fifty-eight dollars (\$58) be, and the same is hereby, appropriated, to pay Clinton county for keeping Louisa Eldridge, a pauper lunatic of this Commonwealth, from the 12th day of December, 1871, until the 28th day of March, 1872; and the Auditor of Public Accounts is hereby directed to draw his warrant on the Treasury for said sum, payable to said county of Clinton out of any money in the Treasury not otherwise appropriated; and the presiding judge of Clinton county court is authorized to receive and receipt for the same.

§ 2. This act shall take effect from and after its passage.

Approved April 24, 1873.

CHAPTER 1103.

AN ACT for the benefit of the police judge of the town of Leesburg, in Harrison county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the police judge of the town of Leesburg have all the rights accorded to a justice of the peace in the Leesburg magisterial district in all cases that come before a justice of the peace.

Jurisdiction of
police judge of
Leesburg.

§ 2. That said police judge have the power to appoint some person to act as marshal in the absence of that officer to arrest all who may violate the penal laws of the Commonwealth or by-laws of the town, to serve summons, &c.

Police judge may
appoint pro tem.
marshal.

§ 3. This act shall take effect from its passage.

Approved April 24, 1873.

CHAPTER 1104.

AN ACT for the benefit of E. M. Flack, late sheriff of Todd county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the further time of sixty days be given E. M. Flack, late sheriff of Todd county, to collect and pay into the Treasury the revenue of said county; and said Flack is hereby released from all damages assessed by law

1873. against him by reason of his failure to pay said revenue into the Treasury by the first day of April, 1873.

§ 2. This act shall take effect from its passage.

Approved April 24, 1873.

CHAPTER 1105.

AN ACT to incorporate the Mercer County Medical Society, in Mercer county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Drs. C. H. Spilman, G. W. Rose, J. B. Lapsley, J. T. Bohon, A. D. Price, D. W. Thompson, C. S. Abell, Jos. Hunt, H. Plummer, and their associates, be, and they are hereby, appointed a body-corporate, under the name and style of the "Mercer County Medical Society."

§ 2. Said society shall have power to form its own constitution and by-laws; to acquire and hold real and personal estate; to establish and maintain libraries, museums, and lectures; to sue and to be sued; to plead and be impleaded; to do and perform all acts necessary and proper for the promotion of the interests of medical science in Mercer county, Kentucky.

§ 3. This act shall take effect from its passage.

Approved April 24, 1873.

CHAPTER 1106.

AN ACT to prevent the sale of spirituous, vinous, or malt liquors in the first magisterial district of Todd county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the provisions of the act, entitled "An act to prevent the sale of spirituous, vinous, or malt liquors in the town of Elkton, Todd county, or within one mile of the corporate limits thereof," approved December 20, 1871, shall, so far as they are applicable, apply to and be in full force within the first magisterial district of Todd county, commonly called the Kirkmansville district.

§ 2. This act shall take effect from its passage.

Approved April 24, 1873.

CHAPTER 1108.

1873.

AN ACT for the benefit of William Tinsley, late sheriff of Knox county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the further time of two years from and after the first day of April, 1873, be, and is hereby, given to William Tinsley, late sheriff of Knox county, to collect and distrain for his fee bills and all uncollected taxes due him for the time he was sheriff of said county, subject to all the penalties and restrictions now provided by law for illegally distraining and collecting fee bills and taxes.

§ 2. And said Tinsley may list his uncollected taxes and fee bills with the sheriff or any constable of Knox county for collection, who are hereby empowered to collect the same for the two years after the first day of April, 1873.

§ 3. This act to take effect from and after its passage.

Approved April 24, 1873.

CHAPTER 1109.

AN ACT declaring certain portions of Roundstone creek, in Rockcastle county, a navigable stream.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That Roundstone creek, in Rockcastle county, be, and the same is hereby, declared a navigable stream from the sinks thereof up to the mouth of Renfro's creek.

§ 2. This act to take effect and be in force from and after its passage.

Approved April 24, 1873.

CHAPTER 1110.

AN ACT to authorize sales and conveyances by trustee under a power.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. It shall be competent for any person or corporation conveying real or personal estate, or any interest therein, in trust, to secure the payment of any debt or debts, or to indemnify any person who may be a surety for him or it, for the payment of any debt, or for the performance of any contract, to authorize and empower the trustee named in the deed, whenever required by any creditor secured, or surety indemnified thereby, or by the personal representative of such creditor or surety, after the debt due to such creditor, or for which such surety may be

Trustee, upon being authorized by party making conveyance, to sell said property at auction, after notice of sale.

1873. liable, shall have become due and payable by the grantor, and default shall have been made by him in the payment thereof, or any part thereof, to sell the property conveyed at public auction, in such parcels, and upon such terms, as may be directed or specified in the deed, the trustee having first given such notice of the time, place, and terms of sale as may be directed by the deed.

Trustee to execute and deliver deed to the purchaser.

§ 2. In every such case as that mentioned in the first section of this act, it shall be the duty of said trustee, when required, as therein mentioned, to make such sale as may be required by the deed; and upon compliance by the purchaser with the terms of the sale, the trustee shall execute and deliver to him a deed for the property purchased by him, which deed shall vest in such purchaser all the right, title, interest, legal and equitable, of the grantor, as fully as if he had executed and delivered the same in person, subject, however, to any lien that may be reserved in such deed for unpaid purchase money.

Duty of trustee, upon purchaser failing to comply with contract, to again sell property, former purchaser to be responsible for any difference.

§ 3. In case of the failure of the purchaser, at such sale, to comply with the terms of sale, or of his failure to make any deferred payments at the maturity thereof, the trustee shall have power, and it shall be his duty, when required by either the grantor or any creditor or surety, secured or indemnified by said deed, to again sell, at public auction, for cash, said property, or so much thereof as may be necessary to pay the purchase money then unpaid and the expense of resale; and if upon such resale the property shall not realize an amount sufficient to pay such unpaid purchase money and expenses of resale, the purchaser so in default shall be liable to said trustee for the difference, and the trustee shall have power to make such resale as often as a purchaser shall fail to comply with the terms of sale, or to pay the purchase money when due.

How proceeds of sale to be disposed of.

§ 4. The proceeds of sale of property sold by such trustee shall be applied by him to the payment, first, of the expenses attending the execution of the trust, including such commissions to the trustee as may be agreed on in the deed: *Provided*, That in default of such agreement in the deed, the commission of the trustee shall be three per cent. on the first five hundred dollars, or less amount, two per cent. on all above five hundred dollars up to five thousand dollars, and one per cent. on all over five thousand dollars of the residue of the proceeds of sale, and the remainder shall then be applied to the payment of the debts secured, or to the indemnity of the sureties indemnified by the deed, and the surplus, if any, shall be paid to the grantor.

Upon death of trustee, grantor may appoint another, who shall have same powers with original trustee.

§ 5. In case of the death of the trustee named in any deed contemplated by this act, before the execution of the trust, the grantor, his personal representative or assigns,

and the *cestui que trust*, his or their personal representative or assigns, may, by agreement, to be recorded in the county court clerk's office where the deed of trust is recorded, appoint a trustee, who shall have all the powers of the original trustee, and in default of such agreement for thirty days after such death, the personal representatives of the trustee shall have all the power, and be subject to the duties of the original trustee; but when more than one trustee is named in the deed, then, in case of the death of one or more, the survivor or survivors may and shall act alone in the execution of the trust.

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§ 6. In case the trustee appointed to carry out the provisions of the trust under the said deed shall remove from the county or State, or become incompetent, or fail, or refuse to carry out the provisions of the said deed, any court of competent jurisdiction shall, on application of the beneficiary in the deed, appoint the sheriff of the court to carry out the provisions of the trust deed.

In case trustee becomes incompetent, court may appoint sheriff.

§ 7. All laws and parts of laws in conflict with this act are hereby repealed.

§ 8. This act shall only apply to cities having not less than seventy-five thousand (75,000) inhabitants.

Operations of act restricted.

§ 9. This act shall not apply to married women.

§ 10. This act shall take effect from its passage.

Approved April 24, 1873.

CHAPTER 1111.

AN ACT to incorporate the Henderson Building and Loan Association.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That W. S. Johnson, George W. Fallon, W. H. Sandefur, Jacob Mayer, George E. Bell, Aaron F. Kennedy, B. Brashear, A. Pallis, Joseph Clore, H. Klaymuer, John O'Byrne, H. C. Kerr, T. M. Jenkins, John C. Stupp, P. B. Tribble, W. F. Reuttenger, George Delker, and their associates and successors, are hereby created a body-politic and corporate, under the corporate name and style of the Henderson Building and Loan Association; and in that name may sue and be sued, contract and be contracted with, plead and be impleaded, in all the courts of the Commonwealth and elsewhere; may have perpetual succession and a common seal, and break and alter the same at pleasure; and may purchase, use, hold, and sell real and personal estate in and near the city of Henderson, Kentucky; issue stock not exceeding five hundred thousand dollars (\$500,000); loan its funds at a rate of interest not exceeding ten per cent., and take mortgages and other securities therefor; and may sell and convey any and all property owned by said corporation.

Corporators' names.

Name and style.

Corporate powers.

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Business and ob-
ject.

§ 2. The business of this corporation shall embrace the buying, improving, and leasing and selling real estate in and near the city of Henderson, Kentucky, and in loaning the funds of the association, always giving the preference to its own members; but the association may, if the board of directors think proper, invest a part of the funds in establishing and conducting manufacturing establishments in or near the city of Henderson, Kentucky.

Funds to be rep-
resented by stock

§ 3. The funds of this association shall be represented by stock, and each share of stock shall be fifty dollars. No member shall, at any time, own more than twenty shares of unpaid stock; but any member may own any number of paid up shares of stock, and may pay for the same at any time in money, or by conveying to the association such real estate as the board of directors may decide to accept, at such valuation as the said board may fix upon said real estate; but no member shall have or cast more than twenty votes at any election, or on any proposition, no matter how many shares of stock he may own.

Powers & duties
of directors.

§ 4. Whenever the board of directors may think proper to do so, they may direct that any property belonging to the association shall be sold on such time and terms as the board may prescribe, and thereupon the secretary shall make known the day of sale, and the said property shall be sold to the highest and best bidder, at public auction, the preference being given to members of the association; and the member who purchases said property shall have credit on the purchase price thereof for all dues and moneys he may have theretofore paid to said association, with six per cent. interest on the same from the time the same was paid by him, and the balance of the purchase price, if any, shall be paid at such time, and upon such terms, as the rules of the association may require; and the association shall retain a lien on said property to secure the payment of such balance of the purchase money.

Fees and dues of
members.

§ 5. Each member, when he becomes a member, shall pay to the secretary an initiation fee of not less than fifty cents nor more than one dollar, which shall constitute a fund to pay the expenses of the association; and each member shall, in addition, pay to the association twenty-five cents each week on each and every share of stock for which he may subscribe; and for each and every failure to make such weekly payment of dues, the secretary shall charge such member five cents for each and every such default; these charges shall stand against such member, and against the dues already paid in by him.

Stock to be per-
sonal property.

§ 6. The stock of this association shall be considered personal estate, and shall be transferable on the books

1873.

of the association like bank stock: *Provided*, That if any member shall desire to withdraw before he has paid for his stock in full, his unpaid shares shall be sold to the highest bidder, after such member shall have given due notice of his desire to withdraw; and such withdrawing member shall be entitled to the proceeds of such sale, after paying to the association such charges and assessments as may be made against him, and against his stock in such cases, all of which will be provided for by the by-laws.

§ 7. The capital of this association shall never exceed five hundred thousand dollars, and shall be employed only for the purposes expressed in this charter; and in all sales or leases of property, and loans of money, preference shall be given to the members of this association over persons who are not members; and all the profits made by the association, after paying the necessary expenses of conducting the same, shall belong to the stockholders in proportion to the amount of stock held by each member; and in case of dissolution, all the property shall be so divided.

Capital stock.

§ 8. The corporators herein named, and such other persons as may have associated with them, by signifying, in writing, their desire to subscribe for stock herein, may, at any time after the passage of this act, meet in the city of Henderson, for the purpose of organizing under this act, by electing officers and opening books for the subscription for stock. The officers elected shall be a president, vice president, treasurer, secretary, and a board of five directors, all of whom shall be persons who have signified their desire, in writing, to take one or more shares of stock; but the directors shall not be eligible to the office of president, vice president, secretary, or treasurer. These officers shall perform the duties usually required of such officers, and shall hold their offices from the time of the first election until the first regular meeting of the association in January next, and until their successors are duly elected and qualified. The annual election shall thereafter be held, and said offices filled, by the votes of a majority of the members present at the first regular meeting of the association in January in each succeeding year. The secretary and treasurer shall each execute a bond, with sufficient surety, to be approved by the president and board of directors, conditioned for the faithful discharge of all their official duties. No money shall be drawn from the treasurer, except by order of the board of directors.

When company may organize.

Secretary and treasurer to give bond.

§ 9. The board of directors may employ such attorneys and agents to act for the association as, in their judgment, the business may require, and may fix the compensation for the services performed.

Board to employ attorneys.

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Mortgagee may authorize auction sale of property for default in payment of debt.

§ 10. It shall be competent for any person or persons mortgaging real or personal estate, or any interest therein in trust, to secure the payment of any debt or debts to this association, or for the performance of any contract with the association, to authorize and empower the trustee named in the mortgage, whenever required by the association, after the debt due to the association shall have become due and payable by the mortgagor, and default shall have been made by him in the payment thereof, or any part thereof, to sell the property so mortgaged at public auction in such parcels, and on such times, as may be directed or specified in said mortgage, the trustee having first given such notice of the time, place, and terms of sale, as may be directed by the deed.

Duties of trustee under mortgage sale.

§ 11. In every such case as that mentioned in the tenth section of this act, it shall be the duty of said trustee, when required as therein mentioned, to make such sale as may be required by the mortgage, and on compliance by the purchaser with the terms of the sale, the trustee shall execute and deliver to him a deed for the property purchased by him, which deed shall vest in such purchaser all the right, title, interest, legal and equitable, of the mortgagor as fully as if he had executed and delivered the same in person, subject, however, to any lien that may be reserved for unpaid purchase money.

Where purchaser fails to comply with the contract, property may be resold, the former purchaser to be liable for difference.

§ 12. In case of the failure of the purchaser at such sale to comply with the terms of sale, or of his failure to make any deferred payments at the maturity thereof, the trustee shall have power, and it shall be his duty, when required by either the mortgagor or the company, to again sell at public auction, for cash, said property, or so much thereof as may be necessary to pay the purchase money then unpaid, and the expense of resale; and if upon such resale the property shall not realize an amount sufficient to pay such unpaid purchase money and expenses of resale, the purchaser so in default shall be liable to said trustee for the difference, and the trustee shall have power to make such resale as often as a purchaser shall fail to comply with the terms of sale, or to pay the purchase money when due.

How proceeds of sale to be disposed of.

§ 13. The proceeds of sale of property sold by such trustee shall be applied by him to the payment, first, of the expenses attending the execution of the trust, including such commissions to the trustee as may be agreed on in the mortgage: *Provided*, That in default of such agreement in the deed, the commission of the trustee shall be three per cent. on the first five hundred dollars, or less amount; two per cent. on all above five hundred dollars, up to five thousand dollars of the residue of the proceeds of sale, and the remainder shall then be applied to the

payment of the debts secured, and the surplus, if any, shall be paid to the mortgagor. 1873.

§ 14. In case of the death of the trustee named in any mortgage contemplated by this act, before the execution of the trust, the mortgagor, his personal representative or assigns, and the company may, by agreement, to be recorded in the county court clerk's office where the mortgage is recorded, appoint a trustee, who shall have all the powers of the original trustee; and in default of such agreement for thirty days after such death, the personal representatives of the trustee shall have all the power and be subject to the duties of the original trustee; but when more than one trustee is named in the deed, then, in case of the death of one or more, the survivor or survivors may and shall act alone in the execution of the trust.

In case of death of trustee, mortgagor may appoint another.

§ 15. In case the trustee appointed to carry out the provisions of the trust under the said mortgage shall remove from the county or State, or become incompetent, or fail or refuse to carry out the provisions of the said mortgage, any court of competent jurisdiction shall, on application of the association or company, appoint the sheriff of the court to carry out the provisions of the trust.

In case of trustee's incapacity, court may appoint another.

§ 16. The board of directors may employ such attorneys and agents to act for the association as in their judgment the business may require, and may fix the compensation for services performed.

§ 17. This association, at its regular meetings, may, from time to time, enact and force such regulations and by-laws as the business, in their judgment, may require, not inconsistent with this charter, nor with the Constitution or laws of the United States or of the State of Kentucky.

Association may make by-laws, &c

§ 18. The board of directors may regulate the time and place of holding meetings in the city of Henderson.

§ 19. Either officers or members may be impeached, tried, and expelled by such proceedings as may be provided by the by-laws, for any immoral or improper conduct.

Meetings.

§ 20. This act shall take effect and be in force from its passage.

Approved April 24, 1873.

CHAPTER 1112.

AN ACT to incorporate the North Kentucky Bridge Connecting Railway and Construction Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That J. C. Gedge, C. Alexander, John Scott, G. W. Holmes, C. G. Wallace, T. N. Wise, Hudson Hollister, Charles Kearns, J. W. Livzy, S. N. Hawes, J. E. Clenden-

Corporators' names.

1873. ing, A. L. Greer, Wm. Davie, and J. Gray, their associates successors, and assigns, be, and they are hereby, incorporated under the name of the North Kentucky Bridge Connecting Railway and Construction Company, with power to raise a capital stock of not exceeding \$2,500,000, and to acquire the right of way, and construct and operate on the same a railway of double or single track, from any point in the corporate limits of the city of Covington, or from any point within five miles thereof, to and through said city and across the Ohio river, with power to lease, let, or rent said railway, and the franchises in this act granted, and with power to charge and collect fees or tolls on locomotives, cars, and all kinds of rolling-stock belonging to other railway companies using or transporting over the track or tracks of this company; and with power to said company to acquire the necessary ground for a depot, and for machine-shops, and to erect depot-buildings, machine-shops, and such side and connecting tracks as may be necessary and convenient for conducting the business of the company; and with the further power to said company to buy or lease all or any part of any railroad now built or hereafter built within said city, or within five miles of the corporate limits thereof; and to acquire the right of way over any street, public ground, or property belonging to the city of Covington for the purposes of said company.

Additional corporate powers.

§ 2. That said company may, for the purpose of carrying their railway over and across the Ohio river, or for the purpose of securing a means therefor, contribute to or take stock in any company incorporated and organized for the purpose of constructing and building or operating a bridge across the Ohio river at Covington, or may contract with any company incorporated for said purpose to build and erect said bridge, and may make such agreements as it may deem advisable and prudent with any company so incorporated as aforesaid, for the construction and completion of such a bridge, and may, in pursuance of any such contract or agreement, and not in violation or contravention of the charter of any such incorporated company as it may so contract with, but with the powers of such company, proceed to erect and complete any such bridge so contracted to be built; or the company incorporated by this act may erect a bridge above and across said river at any point within the corporate limits of said city of Covington, not further east than the west line of Madison street; and this company may construct said bridge for said railway purposes, and may also construct said bridge with carriage or wagon-ways, and with footways: *Provided*, That said bridge shall be constructed according to, and not in violation of, any laws of the United States regulating the construction of bridges

1873.

across the Ohio river; and should said company construct said carriage and foot-ways, it may charge and collect such rates of toll for the use of said ways as it shall fix, not exceeding on the foot-ways of said bridge, for a single crossing, two (2) cents, and shall sell foot-passenger tickets, in packages of twenty-five in number, for twenty-five cents, and in packages of one hundred in number for eighty cents; and that it may charge and collect tolls on the carriage and wagon-ways thereof at the following rates, viz: for one person, with hand vehicle, four cents; for one horse and rider, six cents; for one horse and vehicle, ten cents; for two horses and vehicle, fifteen cents; for three horses and vehicle, twenty cents; for four horses and vehicle, twenty-five cents; for six horses and vehicle, thirty cents; for two horses with timber wheels, twenty-five cents; for four horses with timber wheels, thirty-five cents; for six horses with timber wheels, fifty cents; for horses, cattle, and mules, each, five cents; for hogs in droves, three cents; for sheep in droves, two cents; and that said company shall sell commutation tickets for said carriage and wagon-ways, in packages of not less than fifty in number, at a price twenty-five per centum less than the amounts authorized above to be charged on said wagon and carriage-ways.

Rates of toll.

§ 3. That it shall be lawful for any person, persons, incorporated company or companies, or corporate-body, to enter into any contract or agreement with said company, to secure the construction of said bridge or the carriage and foot-ways, or either, thereto, or to purchase from said company such bridge or such carriage and foot-ways as it may construct; and if said bridge, or the carriage and foot-ways thereof, should be purchased by any person or persons, or any incorporated company or body-corporate, then the right granted to this company to charge and collect tolls on the same, and all other rights pertaining to the bridge or to that part of the bridge so sold by this company, shall cease as to it, and shall belong to and vest in the person, persons, incorporated company, or corporate body so purchasing.

Any person may contract for carriage and foot-ways in connection with said company.

§ 4. Said company so incorporated by this act shall have the further power to erect a bridge above and across the Licking river at any point within the corporate limits of said city of Covington between the north line of Ninth street and the corporate limits of said city; and said company may construct said bridge for railway purposes, and may also construct the same with carriage or wagon-ways and with foot-ways, and may extend a railway over said bridge with as many sets of tracks as may be deemed expedient; and may acquire the right of way, and construct and operate on the same a railway, of double or single

Additional powers of company.

1873. track, from either or both ends of said bridge, extending to or connecting with the depots or tracks of any and all railroads that may now or hereafter terminate in or pass through either the city of Covington or the city of Newport; and may acquire the right of way, and construct and operate on the same a railway, of double or single track, from either or both ends of said Licking river bridge, extending to or connecting with any bridge now built or hereafter built across the Ohio river, either from the city of Covington or the city of Newport. And said company may acquire the right of way, and extend and operate on the same a branch railway, of double or single track, from and connecting with the railway authorized by the section 1 of this act, and to and connecting with or over said Licking river bridge. Upon the wagon-ways and foot-ways of said bridge, if the same should be constructed, tolls may be charged and collected by said company, not exceeding the tolls now charged and collected by the suspension bridge across the Licking river between Covington and Newport.

§ 5. Said company shall have perpetual succession; may sue and be sued; may contract and be contracted with; may have and use a common seal; and generally use and enjoy all the rights and powers incident to corporations, and which are convenient and proper to be used and enjoyed in and about the building and operating said railway tracks and said bridges; and shall have full power to purchase, lease, or otherwise acquire and hold as much real estate as may be necessary for a site for both said bridges, and for the piers, approaches, abutments, toll-houses, and necessary and suitable avenues leading to the same; also to borrow money, not exceeding the capital stock mentioned in this act, and to secure the same in such manner, and on such terms, as may be agreed upon, with power to said company to mortgage any or all of its property, of whatever description, to secure any loan made by it.

Other corporations may take stock.

§ 6. Individuals, companies, and corporations created by the laws of this State, or any State of the United States, shall have the right to take stock in this company, and this company is authorized to make contracts with any railroad company in or out of this State, or to consolidate stock with any such railroad company upon such terms as may be agreed upon; and the said company may receive subscriptions to its capital stock in real or personal property, or choses in action, upon such terms as may be agreed upon, and may sell and convey all such property in as full and complete a manner as natural persons; and said company may issue its mortgage bonds to any amount not exceeding two million dollars, pay-

able at such times, and bearing such rate of interest, as it may determine.

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Notice to be given of location of bridge.

§ 7. That when the company incorporated by this act shall locate and obtain the site for said bridge across the Ohio river, or shall locate any railway, it shall give public notice of the same five successive days, in some daily newspaper circulated in the cities of Cincinnati and Covington, designating in said notice the point or points at which said bridge is located, and the location of said railway tracks; and within five months from the date of the last publication of so locating said site and railway, the trustees of the Cincinnati Southern Railroad, after so notifying the president of this company in writing, or by making public notice of the same for five days in some daily paper circulated in Cincinnati and Covington, shall have the right for the purpose of erecting, building, and operating a railway and bridge across the Ohio river, and for the purpose of transporting the locomotives and cars of said Southern railroad on said railway, and across said river, and for other purposes, to claim and take possession of said site for said railway and bridge, so located by this company for said bridge and railway or any part thereof; but said trustees shall not so claim and take possession of said site so selected and located by this company, until said trustees shall have paid to this company any money or moneys necessarily expended by it on and about said site for said railway and said bridge, with interest on the same at the rate of fifteen per centum per annum.

After notice, Cincinnati Southern Railroad may claim & use said location after satisfying claims of this corporation.

§ 8. That upon the application by said company to the court of the county into or through which it is proposed to construct said railways and tracks, and in which it is proposed to construct piers, approaches, abutments, toll-houses, and avenues to and for the use of said bridges, said court shall appoint three commissioners, two of whom shall be residents of said county, and one an engineer of said company, who shall be sworn faithfully to discharge their duties under this act to the best of their skill and judgment; and whenever said company shall be unable to agree with the owner of any land, earth, stone, gravel, timber, or other material required for the site or construction of said railway and tracks, and said piers, approaches, abutments, toll-houses, and avenues to and for the use of said bridges; or whenever such land or material required shall be owned by a person not a resident of said county, or who is a *feme covert*, or *non compos mentis*, it shall be the duty of said commissioners to view the land or material required, and fix the amount of compensation to which the owner or owners of such land or material shall be entitled, and to make out and return to the office of the clerk of the county court a report in writing, particularly describing the land or other mate-

May acquire right of way by writ.

Proceedings under writ.

1873. rial valued, and the interest and duration of the interest valued, and the amount of damages assessed. The report of the commissioners shall give the name of the owner, and state whether such owner is a resident of the county, and whether a *feme covert*, infant, or non-sane person. The clerk shall receive such report, and file the same, indorsing thereon the time of its being filed; and if the owner resides in the county, he shall forthwith issue a summons, commanding the owner or owners of such land or material to appear and show cause why the report should not be confirmed, which summons shall be forthwith executed by the sheriff or other officer in whose hands it may be placed. The report shall be docketed in the county court, and stand for trial at any term of said court, commencing not less than ten days after service of the summons. If the owner is not a resident of the county, the court shall, at the first term after the report is filed, appoint an attorney to defend for such owner, who may file exceptions at any time not later than the next term; and upon exceptions being filed by the owner, or by an attorney appointed to defend for him, or by the company, the court shall forthwith order a jury to be empaneled to try the question of damages, unless, for good cause shown, time is given for preparation; if no exceptions are filed, the report shall be confirmed.

Capital stock.

§ 9. That the capital stock of said company shall be divided into shares of one hundred dollars each, and said corporators, or any six of whom, shall have power to cause books to be opened at such time or times, place or places, as they may agree upon, and cause said books to be kept open such length of time, not less than twenty days, upon any such notice as they may prescribe, and under the direction of such person or persons as they may designate: *Provided*, They shall publish in some paper in the city of Covington, or some paper circulating generally there, not less than two weeks, the time and place where said books will be kept; and if at the end of such time the whole amount of the capital stock shall not have been subscribed, the said corporators, or any six of them, by giving notice as aforesaid, shall have power to order books to be opened at such other times and places, and may repeat the same as aforesaid as often as necessary, until the whole amount of stock herein authorized shall have been subscribed. That when one thousand shares shall have been subscribed to the capital stock of said company, the persons authorized to open books, or a majority of them living, shall advertise for a meeting of stockholders of said company at the city of Covington, giving ten days' notice of such meeting in a paper published, or of general circulation in said city, and the stockholders who have paid not less than five

dollars on each share subscribed, shall proceed to elect a president and six directors, who shall be stockholders in said corporation, and to elect or appoint such other officers or agents as may be necessary, and to fix salaries and require such bonds as may be necessary, at which meeting each stockholder shall be entitled to one vote for each share of stock he, she, or they may own in such company, upon which they have paid not less than five dollars, and the stockholders may vote in person or by proxy; and at such meeting the subscription books of the company shall be and remain open in the charge of some designated person, and shall so remain open for the subscription of stock for at least three hours previous to the vote for officers being determined and announced; and those who subscribe to the capital stock of said company on said day shall be entitled to vote at said election as other stockholders, upon making said payment. After said election said company or stockholders shall elect, annually, like officers and directors, to be elected by such stockholders as have paid all calls on their said stock.

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§ 10. This act to be in force from its passage.

Approved April 24, 1873.

CHAPTER 1113.

AN ACT for the benefit of Wash. Johnson, assessor of Laurel county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Wash. Johnson, assessor of Laurel county, have further time until the third Monday in June, 1873, to make out and return to the county court his tax-books for said county for the year 1873.

§ 2. This act shall take effect and be in force from its passage.

Approved April 24, 1873.

CHAPTER 1114.

AN ACT to repeal an act, entitled "An act to amend the charter of the New Castle and Eminence Turnpike Road," approved March 9, 1872.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to amend the charter of the New Castle and Eminence Turnpike Road," approved March 9th, 1872, be, and the same is hereby, repealed.

§ 2. This act shall take effect and be in force from and after its passage.

Approved April 24, 1873.

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CHAPTER 1115.

AN ACT to appropriate money for the payment of taxes due from the State to the city of Covington.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Auditor of Public Accounts shall draw his warrant on the Treasurer in favor of S. N. Hawes, treasurer of the city of Covington, for the sum of fifteen dollars and eighty cents (\$15 80) in payment of taxes due from the State to the city of Covington upon a lot in the said city : *Provided*, That the Auditor shall be satisfied of the justice of the claim from the vouchers filed.

§ 2. That this act shall take effect from and after its passage.

Approved April 24, 1873.

CHAPTER 1116.

AN ACT to appropriate money for the payment of a claim due Thomas Woods, of the city of Covington.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Auditor of Public Accounts shall draw his warrant upon the Treasurer in favor of Thos. Woods for the sum of fifty-nine dollars and thirty-two cents (\$59 32), to discharge a lien held by the said Woods upon a lot owned by the State in the city of Covington : *Provided*, That the Auditor shall be satisfied of the justice of the claim from the vouchers filed.

§ 2. That this act shall take effect from and after its passage.

Approved April 24, 1873.

CHAPTER 1118.

AN ACT for the benefit of Wm. Lovelace & Co., of Laurel county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1 That Wm. Lovelace & Co. be, and they are hereby, permitted to run a stage or stages over the Wilderness Turnpike Road, from Livingston Station, in Rockcastle county, to London, Kentucky, by paying one half the tolls now allowed by law on said road.

§ 2. This act shall be in force from its passage.

Approved April 24, 1873.

CHAPTER 1119.

1873.

AN ACT to fix the time of holding the Garrard circuit court.

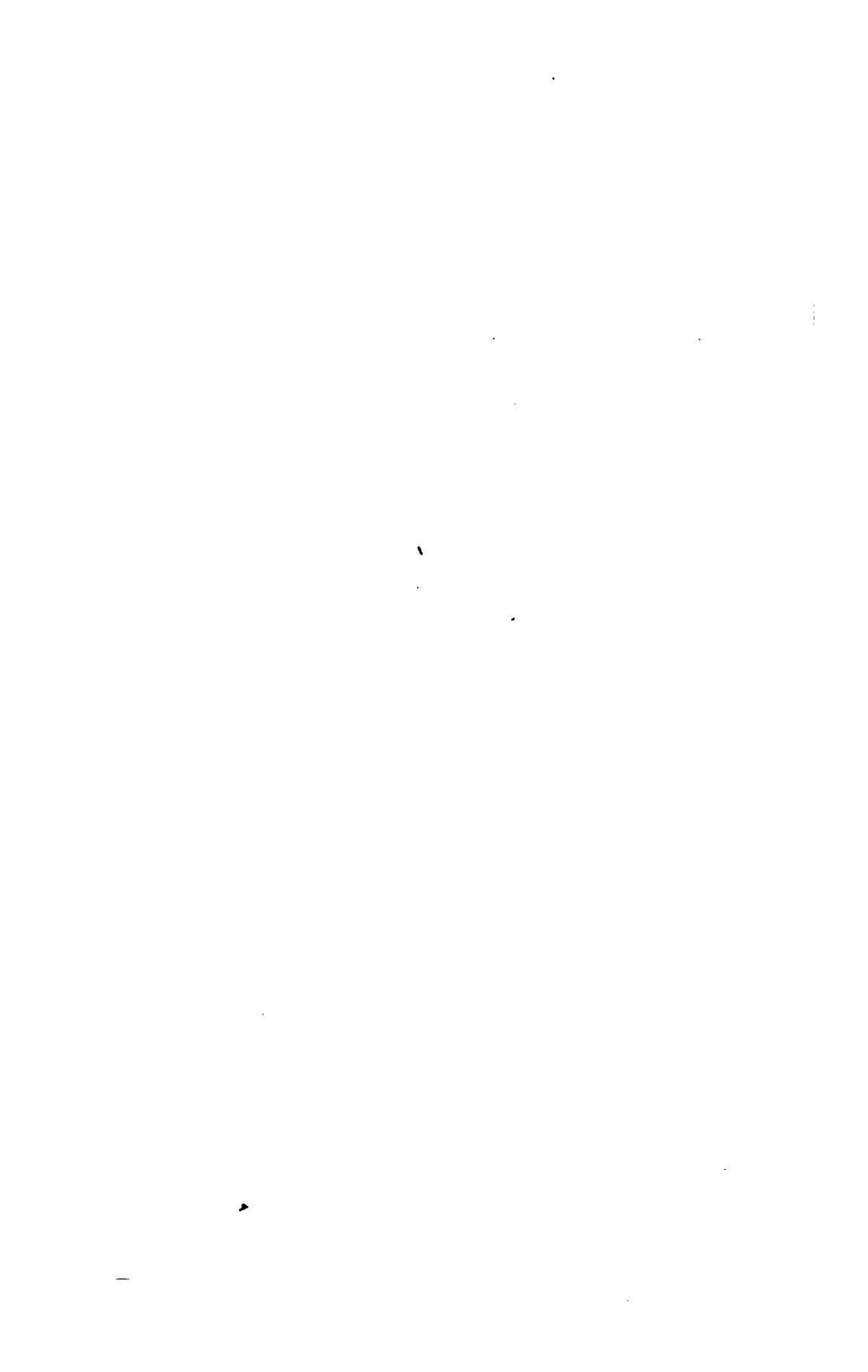
Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That after the holding of the next July term of the Garrard circuit court, said court shall commence and be held on the second Mondays in February and August in each year, and each term continue for the space of eighteen juridical days, if the business of the court shall require it.

§ 2. The equity term of said court shall remain as now fixed by law.

§ 3. This act shall take effect upon its passage.

Approved March 29, 1873.



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